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1 A P P E A R A N C E S

2 AMERICAN TRANSMISSION COMPANY:

3 STEVEN STRECK, Axley Brynelson LLP, 2 East Mifflin
4 Street, Madison, Wisconsin 53703. CHUCK CUMMINGS also
5 appeared.

6 MADISON GAS & ELECTRIC COMPANY:

7 EDWIN HUGHES, Stafford Rosenbaum LLP, P.O. Box 1784,
8 Madison, WI 53701-1784.

9 WISCONSIN POWER AND LIGHT COMPANY:

10 THERESA M. HOTTENROTH, P.O. Box 77007, Madison,
11 Wisconsin 53707-1007.

12 OF COMMISSION STAFF:

13 DIANE RAMTHUN, Legal Counsel

14 OF THE PUBLIC:

15 LYNNE BALLESTA, 5600 Rolene Court, Oregon, WI, 53575

16 BONNIE MOSCHKAU, 2403 Kathleen Street, Fitchburg, WI

17 ROBERT LAUER, 2407 Lisa Lane, Madison, WI

18 REBECCA ZUBA, 5493 Jan Drive, Fitchburg, WI

19 ROBERT LAWRENCE, 2413 Lisa Lane, Fitchburg, WI 53711

20 PHYLLIS FOSSHAGE, 5110 Whitcomb Drive, Madison, WI

21 53711

22 JOHN and MEG CATES, 2371 Kathleen Street, Madison,

23 WI 53711

24 GARY HAMMEN, 2397 Kathleen Street, Fitchburg, WI

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2 53561

3 LAWRENCE W. and BEVERLY RYDER, 2428 Lisa Lane,
4 Fitchburg, WI 53711

5 JAY ALLEN, 5360 Lacy Road, Fitchburg, WI 53711

6 TONY HARTMANN, 5680 Whalen Road, Fitchburg, WI 53711

7 RICHARD DOERFER, 6391 Whalen Road, Verona, WI 53593

8 ANNELIESE EMERSON, 5137 Whitcomb Drive, Madison, WI

9 DAN and JUDY BREUNIG, 5490 Jan Drive, Fitchburg, WI
10 53711

11 RENA GELMAN, 2407 Lisa Lane, Fitchburg, WI 53711

12 PETER and MARILYN MIESS, 2414 Kathleen Street,
13 Fitchburg, WI 53711

14 DAVID OFF, 5565 Colleen Circle, Fitchburg, WI 53711

15 STEWART and MARYLYN STROUP, 2276 Branson Road,
16 Oregon, WI 53575

17 STEVE BOOKS, 211 South 2nd Street, Mount Horeb, WI
18 53572

19 RITA BURKE HENRICKS, 5655 Montadale, Fitchburg, WI
20 53711

21 SUSAN MICHETTI, 605 Sheila Street, Mount Horeb, WI
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23 S.C. and MARIANNE DAGGETT, 2408 Lisa Lane,
24 Fitchburg, WI 53711

25 BRIAN AST, 2424 Kathleen Street, Fitchburg, WI 53711

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3 ROBERT DUBEAU, 2370 Kathleen Street, Fitchburg, WI

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5 JAMES MEADOR, 1623 Sunset Drive, Waukesha, WI 53189

6 REBECCA RUSSELL, 5483 Maves Road, Madison, WI 53711

7 JOHN BROWN, 1666 County Hwy D, Oregon, WI

8 BRAD VOSTERS, 1802 Pankratz Street, Madison, WI

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11 Madison, WI 53711

12 SEAN DOYLE, 5486 Maves Road, Fitchburg, WI 53711

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2 CAROL A. LANDAHL, 5690 Whalen Road, Fitchburg, WI

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1 EXAMINER MARION: Ladies and gentlemen, at
2 this time I'm going to call the hearing to order.
3 So if I could ask your cooperation and your
4 attention.

5 This is Public Service Commission of
6 Wisconsin docket number PSC 137-CE-146. And the
7 title of this docket is the Application of American
8 Transmission Company As an Electric Public Utility
9 to Construct a New 138 Kilovolt Transmission Line
10 From a New Substation in Fitchburg to Be Called the
11 Oak Ridge Substation to the Existing Wisconsin
12 Power & Light Company Verona Substation in Verona,
13 All in Dane County, Wisconsin.

14 I have an appearance slip from Mr. Hughes
15 on behalf of MG&E. Would counsel for other parties
16 please state their appearances for the record.

17 STEVE STRECK: Steve Streck and Chuck
18 Cummings appear on behalf of the applicant.

19 EXAMINER MARION: Is there any other party
20 or staff member who wish to make an appearance for
21 the record?

22 All right. I would like to explain first
23 who I am and then kind of how we're going to proceed
24 this afternoon. My name is Ed Marion. My title is
25 administrative law judge. And it's my

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1 responsibility to preside over the hearing this
2 afternoon and also at the second session which will
3 begin at 7 p.m. I want to begin by thanking the
4 City of Fitchburg and the mayor and council for
5 allowing us to use this beautiful facility and
6 especially these chambers.

7 The purpose of the hearing session this
8 afternoon and again this evening is to receive
9 testimony from any person who is interested in the
10 subject matter of this docket which is a proposal by
11 the American Transmission Company to build the new
12 power line. I know there are many representatives
13 of American Transmission who are present on site
14 here. So if anyone has a question about the
15 project, I encourage them to talk to representatives
16 from the transmission company or also the Public
17 Service Commission staff which has a number of
18 individuals here as well.

19 The purpose of this hearing is to hear
20 from you and we will be hearing from who we call the
21 technical witnesses next week at the so-called
22 technical hearing sessions, and that's where the
23 parties much like a trial in a court put on their
24 evidence as to the necessity for this project and
25 the opinion of the people proposing it and then some

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1 of the problems that other folks who have intervened
2 may believe exist.

3 This is one of a number of transmission
4 lines which either have been proposed or have been
5 discussed publicly in Dane County. And it's not at
6 all unusual for there to be a little bit of
7 confusion regarding which one we're looking at at
8 any given time. This is not the west Middleton to
9 Rockdale line; and if anyone is interested primarily
10 in that project, I don't believe we're anywhere
11 close to being in a position that we're in this
12 afternoon, which is to have testimony from
13 individuals.

14 There are several ways that interested
15 persons can offer evidence in this docket in this
16 case. One is to testify this afternoon or this
17 evening. Another is to fill out one of these
18 appearance slips, and you probably saw them on the
19 counter outside the front door there. And if you
20 would like to comment and say something about the
21 project, but rather -- would rather do that in
22 writing, you're free to use these forms and then
23 just submit those slips to one of the gentlemen at
24 the desk at the front door. And your comments will
25 be made a part of the record just the same as if you

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1 were to take the witness stand over here and
2 testify.

3 In addition, one may file with the
4 Commission either by mail or by fax or even
5 electronically comments that you may have, and there
6 are instructions that are available on the Public
7 Service Commission web site, and I believe the
8 deadline for filing comments is this evening at just
9 about midnight.

10 I hope that answers most of the questions
11 folks might have had. This is a formal proceeding,
12 and we do have a stenographer who takes down
13 everything that is said. So I do ask people to be
14 aware of that. We only need one person talking at a
15 particular time. If anyone has a question, please
16 feel free to raise your hand and I'll recognize you,
17 I may ask you to identify yourself depending on what
18 your question is so that we have a record that that
19 conversation took place.

20 But if there is no question at this point,
21 I'm just going to call to the witness stand in the
22 order that I happen to have these appearance slips
23 those individuals who have indicated an interest in
24 testifying. And I'll ask you to please approach
25 the -- approach me as it were, I'll ask to you raise

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1 your right hand and I will administer an alternative
2 oath or affirmation so that you can either swear or
3 affirm that the testimony you're going to give is
4 the truth depending on your preference.

5 And at this time I will ask Beverly Ryder
6 if she wishes to testify. Ms. Ryder.

7 BEVERLY RYDER, PUBLIC WITNESS, DULY SWORN

8 EXAMINER MARION: Please have a seat
9 behind one of the microphones. I understand that
10 some people may have documents or other things that
11 they wish to present in evidence. I don't know
12 whether they're comments that are in writing. If
13 you have a written statement that's exactly the same
14 as what you're going to testify to and you prefer
15 just to give us the statement, you can do that and
16 don't need to testify. Anything that I receive in
17 writing other than one of these comments on an
18 appearance slip I'm going to mark as an exhibit, and
19 that exhibit will be subject to objection by one of
20 the attorneys if they think it's objectionable. So
21 we're going to have to circulate those among the
22 lawyers who are present here for the parties and the
23 Service Commission staff to see if there are any
24 difficulties. It's also possible that there may be
25 an objection to a question that someone asks. And

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1 in the event someone lodges an objection, I will
2 either ask questions about it of the witness or just
3 make a ruling.

4 Ms. Ryder, you may proceed. Thank you for
5 coming.

6 DIRECT TESTIMONIAL STATEMENT

7 BY MS. RYDER: I am a 40-year resident of
8 Hillside Heights. I live at 2428 Lisa Lane. On
9 June 26, '06, we learned that big profit making
10 corporation was coming in to steal from our
11 neighborhood. ATC plans to saddle us with a
12 substation and lines that would forever mar the
13 beauty of our landscape. They had already purchased
14 the land, 75 feet from our front yard, and paid an
15 exorbitant price, well beyond the value for 5.2
16 unsewered acres. They knew very well that their
17 plans would greatly reduce our modest home values
18 and thus our ability to care for ourselves and our
19 families. Please see attachment A in my notebook
20 here for this particular paragraph. It's my 9/21/06
21 letter to the Fitchburg Star.

22 ATC is quick to claim that the health
23 consequences of magnetic fields are unproved. But
24 we are concerned especially about leukemia and brain
25 tumors in children. Please see attachment B. I've

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1 got these all labeled. And B is my letter to the
2 editor of the Capitol Times that was printed of
3 8/1/06.

4 The ugliness alone would break our hearts.
5 Please see attachment C which is the letter I wrote
6 to Alderman Steve Arnold which, you know, mentions
7 this aspect.

8 The site selection department at ATC made
9 little or no effort to locate three separate
10 non-adjacent sites. All three of their chosen sites
11 are within a stone's throw of each other and stand
12 in the center of Fitchburg beside a busy two-lane
13 highway. How could they think they had done a good
14 job. Rob Lawrence did the early work on an
15 alternate site and kept bringing it up. Then
16 Alderman Jay Allen spent 35 hours detailing the
17 really good solution, using a substation at the
18 Fitchburg Technology Campus with lines buried. The
19 city council approved the spending money to bury the
20 lines and other costs would be covered, partly by
21 TIF districts.

22 Our city zoning director, Tom Hovel, also
23 likes this alternate option according to his PSC
24 testimony, which I have seen. Please see attachment
25 D which is a 9/9/07 article from the Fitchburg Star.

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1 And this is the only article I am including that I
2 didn't write. But it tells about that option.

3 There is also a fourth site that our
4 neighbor Don Moriva, a civil engineer, has
5 presented. It is near ATC's sites, but more hidden
6 in the distant. And Don has a willing to sell
7 statement from the owner. ATC should have tried
8 harder.

9 ATC's autocratic plans for our
10 neighborhood and our lives and their pretense of
11 being nice and their open house propaganda efforts
12 have caused overwhelming frustration among us.
13 Their modus operandi is pick a site, buy it and cram
14 it down their throats while accusing them of NIMBY.
15 Remember in our case it's NIMFY, front yard. Please
16 see attachment E, my letter to Senator John
17 Erpenbach and Representative Sondy Pope-Roberts
18 printed in the Fitchburg Star 1/25/07.

19 In our lovely hilly part of Fitchburg, we
20 have many individuals with surprising talents.
21 Artists, photographers, woodworker, writers,
22 scientists, professors, teachers, et cetera. And
23 these are people who care about the earth and
24 maintaining the health and beauty of it. All of
25 these people must be offended by the haphazard way

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1 ATC has singled out this place under the sun for a
2 substation and lines as I am. Just a block east of
3 ATC's preferred sites, I have a big garden that won
4 a contest in 2000. A small city park adjoins our
5 yard. I agree with Emerson when he says if eyes
6 were made for seeing, then beauty is its own excuse
7 for being.

8 We should be applauded, not criticized for
9 defending with all our hearts the beauty we find
10 here at the junction of these two historic roads,
11 Irish Lane and Fish Hatchery Road. Please see
12 attachment F for the 9/9/00 contest clipping, a
13 garden photo and a published essay by our
14 granddaughter about life on this land as a
15 four-year-old. She has a beautiful essay which I've
16 included. And she remembers lots of things about
17 running around in the yard and how beautiful it was
18 and how it smelled, and here's the picture I've
19 included. This is the contest picture that was on
20 the front of the section of the Capitol Times from
21 that contest. Thank you.

22 EXAMINER MARION: Thank you very much.
23 Would counsel like to look at Ms. Ryder's exhibit?
24 Please do that. I was going to mark together all of
25 the documents that Ms. Ryder is offering as

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1 Exhibit --

2 MS. RYDER: I'm going to leave this here.

3 EXAMINER MARION: Yes, as Exhibit A.

4 (Witness excused at this time.)

5 EXAMINER MARION: While we're looking at
6 that, I'll call the next witness, please. Ms. Lynne
7 Ballesta, and kindly forgive me in advance for
8 mispronouncing your name as I'm sure I'm going to
9 do.

10 LYNNE BALLESTA PUBLIC DULY SWORN

11 DIRECT TESTIMONIAL STATEMENT

12 BY MS. BALLESTA: My name is Lynne
13 Ballesta. I live in the Country Heights
14 neighborhood in Fitchburg. I've been in the same
15 house for about 26 years. My husband and I have
16 owned businesses in Fitchburg for almost 30 years.

17 If the power line is routed down Fish
18 Hatchery Road, it will be 142 feet from my
19 daughter's bedroom. I question the need for these
20 lines and I believe with conservation much of the
21 need would be reduced.

22 I am very concerned about the safety
23 issues and EMF with the transmission lines. In the
24 PSC testimony, it is stated that scientific
25 consensus is that exposure to power frequency EMF is

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1 not a health hazard. Even though the PSC considers
2 it not a health hazard, the PSC requires utilities
3 to provide information about EMF, perform measures
4 in customers' homes if requested, and contribute to
5 research. If there is no concern or risk, why warn
6 the public? Why take measurements?

7 If the studies are paid for and
8 contributed to by utilities, the results are not
9 independent. It is like the tobacco companies'
10 research years ago concluding that smoking isn't
11 harmful. There was a study in the U.S. in 1998, the
12 electric power industry contributed approximately
13 half of the \$22.5 million. This study showed a
14 fairly consistent pattern that associated EMF
15 exposure with a small increased risk for leukemia in
16 children. I would assume the utilities would have
17 hoped to find no link between EMF and leukemia, but
18 they couldn't because it exists.

19 However, if you look at independent
20 studies, you will see another side to this issue.
21 For example, a study in Denver found that children
22 who died of cancer were two to three times more
23 likely to have lived within 131 feet of a power line
24 and that they were exposed to EMF. Would you put
25 your child or grandchild in a house near a power

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1 line? I wouldn't take that chance with my child.
2 The studies and facts are out there.

3 I would like to refer to the testimony
4 that was presented by Marilyn Wilson at the Waunakee
5 public hearing. Her testimony included 1,600 peer
6 review studies and journals concerning the study of
7 this issue and the negative health consequences from
8 all types of frequencies.

9 The Commission ordered the utilities to
10 submit lists of homes, hospitals, day care schools,
11 nursing homes and workplaces that are near proposed
12 or alternate routes. According to ATC, we don't
13 have anything to worry about concerning EMF and
14 being close to the lines. If that's true, why
15 report the day care centers, et cetera?

16 There is a day care located on Fish
17 Hatchery Road. It is a little further away from the
18 lines than my house. I submitted a comment about
19 the location of the day care previously. This is a
20 highly reputable and popular day care center and has
21 been in existence for over 20 years. Most children
22 go there as infants and stay until kindergarten.
23 Their developing bodies will be exposed hour after
24 hour, day by day, week by week and year after year
25 at least eight hours a day, five days a week, of

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1 constant exposure to EMF.

2 I am also concerned about the problems
3 transmission lines cause for people with pacemakers.
4 I personally have atrio fibrillation, an irregular
5 heartbeat. At some point I could need a pacemaker.
6 According to Medtronic, a manufacturer of
7 pacemakers, transmission power lines can affect how
8 pacemakers and defibrillators work. This means that
9 if I should get a pacemaker, my pacemaker may
10 malfunction in my own home or walking in my yard,
11 and of course this would be a very dangerous
12 situation for me.

13 I of course am also concerned about
14 property values. Most people simply don't want to
15 live near a power line or substation. Therefore,
16 most people don't want to buy a house near them
17 either. I have read that people have slashed their
18 selling prices anywhere from 17 to 53 percent to try
19 to sell their homes. There is a home on my street
20 that has been for sale for over two years. I wonder
21 if the buyers are concerned about the possible power
22 line that may be across the street from the house.

23 Fitchburg's ad hoc committee met last
24 summer to study the three sites that were picked out
25 by ATC, all on the corner of Fish Hatchery Road and

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1 Irish Lane. I attended two meetings as an observer.
2 It was clear that the ad hoc committee felt they had
3 to choose one of these three sites, although none
4 were acceptable. Or they feared ATC would pick the
5 absolutely least desirable location.

6 Over a year ago Rob Lawrence presented an
7 alternative location for the substation in the
8 Fitchburg Technology Campus, FTC, and the
9 transmission lines to be routed on a major highway,
10 Highway 151. There would have been plenty of time
11 to do outreach on this alternative. The committee
12 was forced into making a decision of one of the
13 three unacceptable sites. The decision was supposed
14 to represent what the residents of Fitchburg wanted.
15 It didn't represent what I wanted nor most of my
16 neighbors. In fact, I went door to door twice in
17 the neighborhood. Everyone I spoke with was against
18 the transmission lines going on Fish Hatchery Road.
19 Some people were proud they made a comment at an ATC
20 open house and were under the misguided impression
21 that that's all they needed to do. However, the
22 main consensus was it's a done deal, ATC is going to
23 put the lines wherever they want. They felt it
24 would do no good to speak up.

25 In the PSC testimony, it states the ad hoc

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1 committee's recommendation is significant to ATC
2 because it represents the collective judgment of a
3 diverse set of local stakeholders who have a
4 significant interest in the siting issue. If this
5 is true, then you will be pleased to know that there
6 truly is a site a diverse set of local stakeholders
7 prefer, the Fitchburg Technology Campus and routing
8 the line on Highway 151.

9 The original three sites seem to be chosen
10 because that is where MG&E and AT&T thought the area
11 of growth would be. In 1995 Fitchburg developed a
12 general land use plan and identified four possible
13 growth areas, none of which are near the three sites
14 for the substation. Fitchburg is presently creating
15 a smart growth plan, and it is consistent with the
16 1995 plan. No growth in the area of the three
17 substation sites.

18 This alternative location puts the
19 substation close to the expanded demand of the
20 Fitchburg Technology Campus. The FTC is an urban
21 area, not rural open space. The planning commission
22 identifies the FTC as an area of optimum growth.

23 With the substation located in the FTC,
24 the transmission line could be routed on a major
25 highway, 151, rather than destroying the beauty,

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1 serenity and open space that Fitchburg residents
2 value. In 2005, the city conducted a survey of
3 community residents as part of the city's
4 comprehensive plan. 79 percent of the respondents
5 were supportive of promoting the preservation of
6 open space. Locating the transmission lines on a
7 major highway is consistent with what ATC states
8 they prefer to do. Recognizing the work of ad hoc
9 committee and with new information, the city moved
10 ahead. Alder persons Jay Allen and Steve Arnold
11 developed a resolution that would serve the
12 residents of Fitchburg better and follow the land
13 use plan of Fitchburg. Resolution R-49-07 was
14 introduced and passed. If ATC values the
15 recommendation of a group that represents the
16 collective judgment of a diverse set of local
17 stockholders, this is it. The Fitchburg Technology
18 Campus site and routing the line on Highway 151 are
19 supported by the planning Commission, the city
20 council including the two District 4 alder people
21 and neighborhoods where there has been outreach
22 done. And the city council has \$6 million in TIF
23 money for undergrounding part of this project.

24 The people of Fitchburg value our open and
25 rural space that exists in south Fitchburg. Rather

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1 than putting the substation and transmission lines
2 in this beautiful rural area, please consider the
3 alternatives. The good planning we do now is either
4 the gift or the nightmare that we pass on to our
5 children and grandchildren. Thank you.

6 EXAMINER MARION: Thank you very much,
7 Ms. Ballesta. Counsel, is there any objection to
8 Ms. Ryder's exhibit?

9 MR. HUGHES: No objection from MG&E.

10 EXAMINER MARION: Hearing none, Exhibit A
11 is received.

12 (Exhibit A received.)

13 EXAMINER MARION: Our next witness will be
14 Bonnie Moschkau.

15 BONNIE MOSCHKAU PUBLIC WITNESS DULY SWORN

16 DIRECT TESTIMONIAL STATEMENT

17 BY MS. MOSCHKAU: My comments will be much
18 simpler than those that you've heard already. Not
19 quite as elegant, but certainly as sincere. I wish
20 to express my deep concern regarding the proposal of
21 ATC to locate a substation and transmission lines
22 along Fish Hatchery Road corridor, and most
23 specifically the intersection of Irish Lane and Fish
24 Hatchery Road. I have been a resident of Hillside
25 Heights neighborhood for 30 years and I've been a

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1 teacher in the Madison schools for 33 years. I've
2 also had the pleasure of living in Madison all of my
3 life except for six years that my husband served in
4 the air force.

5 I am opposed to the location that ATC has
6 proposed. I have difficulty trusting a company that
7 has a significant vested financial gain in their
8 proposal. And it has used the media and the local
9 prominent people such as Al Fish of the University
10 of Wisconsin and lobbyists to promote their
11 position. I believe that they have made their
12 proposal and have pretended to request our input,
13 but are not really interested in listening or
14 considering our questions and concerns.

15 I do not want a substation or electrical
16 power line running through or so close to our
17 neighborhood. A substation at the intersection of
18 Fish Hatchery and Irish will be viewed as an eyesore
19 for sure if it were to be constructed.

20 Many others will be able to speak to the
21 technical issues involved in this proposal. I am
22 here simply to register my concern and wish that the
23 substation not be built here. Thank you.

24 EXAMINER MARION: Thank you very much.

25 (Witness excused at this time.)

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1 EXAMINER MARION: Meg Cates, please.

2 MEG CATES, PUBLIC WITNESS, DULY SWORN

3 EXAMINER MARION: Please be seated and
4 proceed.

5 DIRECT TESTIMONIAL STATEMENT

6 BY MS. CATES: Hello. My name is Meg
7 Cates. I live at 2371 Kathleen Street in Hillside
8 Heights. I've lived there for ten years. I have a
9 few summary comments.

10 First of all, I feel this process is not
11 working. We have been asked to voice our opinions
12 regarding the substation. I feel like ATC is going
13 through the motions of listening to the community,
14 but they are listening with their ears covered. I
15 feel that ATC has made up their minds as to where
16 they will build this substation before this
17 so-called process started. We have been presented
18 with some choices, but none of these choices are
19 acceptable to me.

20 The people in our neighborhood have given
21 up some urban benefits in order to enjoy some open
22 space and peaceful views. It's not fair to us to
23 install a substation at the entrance to our
24 neighborhood.

25 A substation so close to Hillside Heights

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1 devalues our property substantially. I personally
2 would never choose to buy a home in close proximity
3 to a substation. Studies on health effects of stray
4 electricity are inconclusive. I do not want to take
5 unnecessary risks for my husband and my children by
6 living in close proximity to an electrical
7 substation.

8 When I'm driving through the State of
9 Wisconsin, I've noticed substations along the
10 interstate in what I consider the middle of nowhere,
11 no homes, et cetera. I have not seen them right
12 next to residential homes. Fitchburg has an
13 abundance of farmland. I feel the substation could
14 be placed in the middle of a field, not along Fish
15 Hatchery Road or right next to a residential
16 neighborhood. If some day that farmland is
17 developed, it will be up to the purchaser if he or
18 she chooses to buy a home in close proximity to a
19 substation. Here, Hillside Heights is not being
20 given a choice. Thank you.

21 EXAMINER MARION: Thank you very much.
22 Did you want to leave your --

23 MS. CATES: I did clip one onto my --

24 EXAMINER MARION: Slip?

25 MS. CATES: Yes. You did. Thank you very

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1 much. That's right.

2 (Witness excused at this time.)

3 EXAMINER MARION: Robert Lauer, please.

4 ROBERT LAUER, PUBLIC WITNESS, DULY SWORN

5 DIRECT TESTIMONIAL STATEMENT

6 BY MR. LAUER: Hello, my name is Robert
7 Lauer. I live on 2407 Lisa Lane. Hillside -- I'm a
8 member of the Hillside Heights Neighborhood
9 Association. We are also an intervenor, and I'm a
10 contact of -- for the neighborhood association.

11 In June 2006, I along with my neighbors
12 learned of the proposal that ATC was going to put --
13 or proposing to put a 138 volt line down Fish
14 Hatchery Road and site a substation near Irish Lane
15 and Fish Hatchery Road. We learned this at an open
16 house. And at that open house, I was told by ATC
17 representatives that they had just purchased or
18 purchased an option to buy North Parish Gardens
19 which is on Irish Lane and Fish Hatchery Road.
20 Basically the gateway to our neighborhood. It had
21 gone up for sale a month before, I was told that
22 since that was one of their proposed sites they had
23 no choice but to purchase the land.

24 The other two sites that they told me that
25 they were considering was a site owned by Robert

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1 Mandt, who I was told by ATC representatives was
2 only willing to sell at least 10 acres of land which
3 therefore would make the cost too much -- or it
4 would increase the cost of the site. So that wasn't
5 such a good site. And then the third site was the
6 city site, which at that time they told me the City
7 of Fitchburg was an unwilling seller. So the
8 conclusion of that conversation was most likely the
9 North Parish Gardens site was going to be their
10 preferred site.

11 I was not the only one there from our
12 neighborhood. A lot of people were there from our
13 neighborhood. After that open house, word got out
14 that there was a really good chance that the
15 substation was going to be on that North Parish
16 Gardens site. That mobilized our neighborhood. We
17 developed a neighborhood association. We had a
18 number of meetings. We went -- since nobody really
19 knew Robert Mandt, Robert Mandt was a private
20 citizen, we really didn't feel we had any pull with
21 that gentleman.

22 But one of the sites that I was told and
23 other people in my neighborhood was told was the
24 city site was a possible site for the substation.
25 So a number of representatives from our neighborhood

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1 went up to the city and started talking to them
2 about this site. And from those discussions, the
3 city decided to look into the matter and form an ad
4 hoc committee on the site, the substation site and
5 also the 138 line. Not the 345 line.

6 I was a member of that committee as a
7 representative of the Hillside Heights with Mr. Rob
8 Lawrence, another member of Hillside Heights, and
9 other neighborhoods in Fitchburg.

10 During this time, our neighborhood kept
11 meeting. Our neighborhood never wanted or believed
12 that the substation should be sited on Irish Lane
13 and Fish Hatchery Road. We also didn't necessarily
14 believe that Fish Hatchery Road was the best
15 location for that line. And one of the reasons we
16 felt the substation shouldn't be there is that it's
17 not the center of development. And MG&E and I
18 believe ATC at one point thought it was going to be
19 the center of development and used that as a
20 rationale for putting the substation there.

21 Also at one point that 138 line was
22 supposed to go down to Montrose. At some point it
23 got switched to Verona, but they never reopened the
24 discussion or did any kind of evaluation when they
25 changed the endpoint to Verona from Montrose, they

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1 just kept on -- with their proposal of putting the
2 138 line down Fish Hatchery Road.

3 The very first meeting of the ad hoc
4 committee, Rob Lawrence brought up -- and this was I
5 believe August 1st -- the possibility of putting the
6 138 line down Verona Road, using the existing
7 Fitchburg substation on PD near Verona Road, and
8 then building a distribution substation, an MG&E
9 substation at the Tech Campus.

10 At that meeting, Charles Gonzales was at
11 our meeting, he represented ATC. Rob asked him if
12 that was a possibility. He said, well, I don't
13 know, I'll have to go back and check it out. They
14 were supposed to come back and give us information
15 on August 15th. It was delayed. They came back on
16 August 22nd and then told us that they had looked at
17 that but the cost was way too great and wasn't
18 feasible.

19 Now, in a rebuttal statement by Sarah
20 Justus of ATC, she rebuts something that Tom Hovel
21 and Jay Allen said. Mr. Allen, reading from her
22 rebuttal, on page 3 of Mr. Allen's direct testimony
23 and page 4 of Mr. Hovel's direct testimony, they
24 state the ad hoc committee limited their review of
25 the substation locations to the three sites proposed

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1 by ATC. Do you agree that the ad hoc committee only
2 reviewed these three sites. She says no, I do not.
3 In the course of the ad hoc committee meetings,
4 members of the committee suggested alternative
5 locations including the site described by Mr. Moriva
6 in the direct testimony identified therein as Mandt
7 option number 4. It should be noted that Mandt
8 option number 4 was never discussed at the ad hoc
9 committee. There was a Mandt site discussed, but
10 not that option. And the location of the substation
11 at the Fitchburg Technology Campus similar to the
12 proposal in Mr. Allen's testimony.

13 So she's saying that we did discuss that
14 and we did. But we were relying on ATC's expert
15 resources, and they told us it wasn't feasible. And
16 this is now August 22nd. The application that ATC
17 was going to file with the PSC was going to happen
18 early September. The ad hoc committee at that time
19 felt they had no choice but to decide on only the
20 three substation sites on Irish Lane and Fish
21 Hatchery Road. From those three, we as the ad hoc
22 committee felt the best one was the city. But that
23 was not necessarily what we thought should happen.
24 Because when we discussed the proposal to send the
25 138 line down Verona Road, there was a lot of

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1 agreement in that committee. We could not deal with
2 that because we were running out of time, we
3 depended on ATC's expertise, and they were telling
4 us it wasn't feasible.

5 So I mean our neighborhood does feel that
6 it needs to be considered -- the proposal about Jay
7 Allen's proposal needs to be seriously considered
8 for a lot of reasons I stated. I think that's all I
9 have to say.

10 EXAMINER MARION: Thank you very much,
11 Mr. Lauer.

12 (Witness excused at this time.)

13 EXAMINER MARION: Rebecca Zuba, please.

14 REBECCA ZUBA, PUBLIC WITNESS, DULY SWORN

15 EXAMINER MARION: Can I ask you, Ms. Zuba,
16 a question first. I could have asked Mr. Lauer as
17 well. I see on your appearance slip that you're
18 representing the Hillside Heights Neighborhood
19 Association; is that correct?

20 MS. ZUBA: Correct.

21 EXAMINER MARION: And Hillside Heights as
22 has been noted is a party in the proceeding. Have
23 you offered pre-filed testimony as a witness for
24 next week's technical hearing session?

25 MS. ZUBA: No, I have not.

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1 EXAMINER MARION: Are you testifying as an
2 individual today or on behalf of the association?

3 MS. ZUBA: Given an option I would say
4 both, but I don't know how the proceedings work.

5 EXAMINER MARION: I see we have
6 Ms. Russell has also stated that she represents
7 Hillside Heights, and I don't know if there are
8 others here, I see one more. Here's what I want to
9 say to you, ma'am, and to the other folks who've
10 indicated that they represent Hillside Heights. The
11 way we divided up the receipt of evidence, that
12 whole process as the representatives who've attended
13 our pre-hearing conferences in other matters know is
14 that parties to the docket, formal parties have the
15 responsibility of pre-filing in question and answer
16 format the testimony that they have and then that
17 evidence is offered at the technical hearing session
18 and the witness is present there to identify it and
19 is subject to cross examination. Within reasonable
20 limits, I will allow individuals to testify on their
21 own behalf and not representing any party at this
22 public hearing session. And I ask you please to not
23 repeat evidence that is in -- has been pre-filed by
24 your association and also not to take issue with
25 evidence that was filed by another witness in the

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1 case. The fact that that's on record and is
2 available for people to look at is to help them
3 prepare. But the way I have decided that we're
4 going to receive the evidence is to have the parties
5 to the lawsuit, if you will, to the docket do that
6 next week during regular business hours.

7 So I hope that's understandable, and with
8 that observation please proceed.

9 DIRECT TESTIMONIAL STATEMENT

10 BY MS. ZUBA: My name is Rebecca Zuba. I
11 live at 5493 Jan Drive, Fitchburg, Wisconsin, and am
12 a member of the Hillside Heights Neighborhood
13 Association. I've lived at this address for almost
14 18 years.

15 Along with my testimony today, I would
16 like to submit into the record two documents that
17 were provided to the Public Service Commission on
18 February 13th, 2007, on behalf of the Hillside
19 Heights Neighborhood Association, as well as other
20 relevant property value documents.

21 Exhibit 1 is a petition signed by the
22 majority of the residents in our neighborhood,
23 approximately 50 homes, in the summer of 2006. This
24 is when we first learned of ATC's proposal to locate
25 a substation and transmission lines in our

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1 neighborhood. This petition states in part the
2 following: "The petition in opposition to the
3 proposed American Transmission Company projects for
4 Fitchburg, specifically, in opposition to the
5 location of a transmission/distribution substation
6 at the intersection of Irish Lane and Fish Hatchery
7 Road. In opposition to the location of a
8 north/south 138 kilovolt transmission line along
9 Fish Hatchery Road."

10 It further states "We, the undersigned
11 residents of the City of Fitchburg, do hereby
12 respectfully petition the City of Fitchburg to take
13 immediate action on the above items. Specifically
14 we request that, 1, you enter into formal
15 discussions with ATC to aggressively oppose the
16 above locations/sites; and 2, actively work to find
17 alternate locations/sites that are more suitable to
18 the proposed type of activity and correspond with
19 the city's image of itself."

20 Exhibit 2 is a letter to the PSC that
21 addresses the serious concerns about ATC's proposal
22 that the residents in our neighborhood expressed in
23 February 2007. These very concerns and the
24 continued public demand for a comprehensive review
25 of different substation locations and the line

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1 routes led the PSC staff to explore proposed
2 alternatives and extend the initial approval time
3 line.

4 Our neighborhood supports the location of
5 the MG&E substation in the Fitchburg Technology
6 Campus and the re-routing of transmission lines
7 along Verona Road. This alternative proposal is
8 supported by our city alders, other Fitchburg
9 neighborhoods, and the City of Fitchburg planning
10 department staff.

11 Our opposition to ATC's proposal as
12 submitted is based on the premise that the proposal
13 represents an unfair burden to the community. This
14 assessment is based primarily on the following
15 reasons. Number one, the demand for energy is not
16 being created by the area in which the location of
17 the substation is being proposed. All three of the
18 ATC proposed sites are a direct -- are directly
19 adjacent our neighborhood, an area which is outside
20 the urban services area and excluded in the city's
21 next 50-year urban growth plan. Due to strict
22 restrictions on development outside the urban
23 services area, all growth in Fitchburg in the
24 foreseeable future will be within the urban services
25 area.

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1 According to MG&E, a distribution site is
2 more efficient the closer it is to the area it is
3 serving. Therefore, we submit that the substation
4 should be located in an area of demand growth, not
5 in an area where no growth has occurred nor is
6 anticipated for decades. Why should our well
7 established neighborhood have to host the
8 substation's physical infrastructure without any
9 contribution to the reason for its existence.

10 Number two, the power transmission needs
11 are primarily for Verona, not Fitchburg. ATC's plan
12 for transmission of 138 kilovolt power to the Verona
13 substation from the proposed Oak Ridge substation is
14 based on an identified need for that power in
15 Verona. ATC's plan has over 80 percent of the
16 transmission line routes inside the City of
17 Fitchburg, and the remaining part of the line mostly
18 in the Town of Verona. The line route itself goes
19 through central Fitchburg when both of the
20 substations to be connected are to the west of
21 Fitchburg or in the western Fitchburg area. ATC's
22 proposed line routes are neither the shortest
23 possible route nor are they the routes of least
24 impact on Fitchburg.

25 With the primary purpose of delivering

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1 power to Verona, a line route should have the least
2 impact on Fitchburg to be fair to the citizens of
3 Fitchburg. This is possible as well as having the
4 more direct route by locating the line in the
5 western part of Fitchburg and the eastern part of
6 the Town of Verona. This area is mostly rural and
7 has existing transportation and an infrastructure
8 corridor that if chosen would have less impact on
9 Fitchburg.

10 Number three, we do not believe that due
11 diligence by ATC in exploring more suitable
12 locations for the substation and line routes was
13 done once a willing seller in our neighborhood was
14 identified. ATC representatives repeatedly stated
15 at public meetings that they located this project in
16 this area in part because they found a willing
17 seller. ATC's purchase price for this property they
18 now own at the intersection of Irish Lane and Fish
19 Hatchery Road was significantly higher than the
20 assessed value for this property.

21 I submit Exhibit 3, Dane County Registrar
22 of Deeds assessment values for the parcels purchased
23 by ATC on November 11th, 2006. By my calculations,
24 the purchase price of these two parcels exceeded the
25 documented assessed value by 463 percent. Not many

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1 people when made such an offer could afford to
2 refuse it, even if the intended use for the land is
3 not in the best interest of their neighbors.

4 In contrast, Exhibit 4 shows the fair
5 market value of my personal property based on a June
6 2006 real estate appraisal is a mere 12 percent
7 higher than the assessed value. We ask the
8 commissioners, is this how public policy on projects
9 of this magnitude and impact to the citizens is
10 determined, based on corporate entity's ability to
11 utilize their vast resources.

12 At this point, other willing property
13 sellers have been identified, and more suitable
14 locations for both the substation and the line
15 routes have been proposed and studied. We urge the
16 PSC to ensure that because ATC currently owns one of
17 the proposed sites, that this factor does not unduly
18 influence your decision about where the substation
19 and transmission lines should be located.

20 If the PSC does not represent the
21 interests of the citizens by keeping corporate
22 entities in check, who I ask will. I as a citizen
23 of Fitchburg and speaking on behalf of the residents
24 of the Hillside Heights neighborhood assert that it
25 is in the public interest that our concerns be given

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1 serious consideration by the PSC commissioners in
2 reviewing this application. Thank you for allowing
3 me to speak on this important issue.

4 EXAMINER MARION: Thank you, Ms. Zuba. I
5 want to ask you, the exhibits that you referred to,
6 are these all filed already?

7 MS. ZUBA: No, none of them are.

8 EXAMINER MARION: Okay. Then --

9 MS. ZUBA: I have them here.

10 EXAMINER MARION: Okay. Thank you. If
11 you could -- let me ask a member of the staff to be
12 available to take documents from the witnesses and
13 show them to the attorneys. Thank you very much.
14 I'm marking this as Exhibit B.

15 (Exhibit B was marked.)

16 EXAMINER MARION: And our next witness
17 will be Mr. Robert Lawrence.

18 ROBERT LAWRENCE, PUBLIC WITNESS, DULY SWORN

19 EXAMINER MARION: Exhibit B is available
20 for counsel to look at.

21 DIRECT TESTIMONIAL STATEMENT

22 BY MR. LAWRENCE: My name is Rob Lawrence.
23 I'm a resident of Hillside Heights. I'd like to
24 read from a prepared statement that I have I will
25 submit later.

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1 For many of the neighbors in the Hillside
2 Heights neighborhood, the ATC open house on June 26,
3 2006, was the start of our involvement in the 138
4 kilovolt line substation project planned for
5 Fitchburg. The common reaction to the open house
6 was of disbelief and a feeling of disenfranchisement
7 in what was being planned for the land adjacent to
8 our neighborhood.

9 ATC's open house was not presented so much
10 as a forum for planning and community participation,
11 rather it was used to inform the unfortunate people
12 who live near enough to where they intended to build
13 that this project was going to happen with or
14 without their consent.

15 The neighbors of Hillside Heights decided
16 to do something about this threat to our
17 neighborhood. The plan had all of its substation
18 sites located around the intersection of Irish Lane
19 and Fish Hatchery Road, which is the entrance to our
20 neighborhood. So clearly the Hillside Heights
21 neighborhood would be gravely impacted by this
22 project. How is it fair to place the majority of a
23 project's infrastructure right next to an
24 established neighborhood bearing in mind that this
25 infrastructure will most likely become permanent

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1 features that will forever be associated with the
2 neighborhood.

3 The neighbors decided to bring this threat
4 to our district representatives and the mayor of
5 Fitchburg, as ATC did not seem interested in any
6 alternatives to what they had proposed. The mayor
7 decided to form an ad hoc committee on substation
8 planning to directly address the ATC 138 kilovolt
9 project. This committee comprised of
10 representatives of four neighborhoods that were
11 adjacent to or near the planned lines and our
12 substation site. It also comprised of
13 representative of District 4 Steve Arnold and the
14 mayor of Fitchburg Tom Clauder. Other Fitchburg
15 city staff did attend and participate including Tom
16 Hovel and Paul Weir (phonetic).

17 I served on this committee as a
18 representative of the Hillside Heights neighborhood
19 from August 2006 to November 2006 and attended and
20 participated in every meeting of the committee.
21 This committee had on several occasions but not
22 every occasion attendance of representatives of ATC
23 and MG&E. Of those attendees and on those occasions
24 Charles Gonzales appeared the most frequently and
25 spoke the most frequently. Sarah Justus attended a

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1 few times and hardly participated. Mark Williamson
2 never attended a single meeting. Mark K. Weires to
3 my recollection did not attend a meeting and if he
4 did I do not recollect any participation.

5 The committee did have interaction with
6 the representatives of ATC and MG&E. This mostly
7 comprised of their restating of the project as was
8 already available from the open house and at the ATC
9 web site. The committee did have, on occasions that
10 ATC did attend, and on the rare occasion that MG&E
11 did attend, to ask questions on the nature of the
12 project and to in turn sometimes but not always to
13 receive answers to those questions.

14 On the first meeting of the ad hoc
15 committee on August 1st, 2006, after having listened
16 to ATC's briefing on the project, I had asked the
17 ATC representatives why the 138 kilovolt project had
18 changed its destination from the Montrose substation
19 to the Verona substation without having restudied
20 the project. To which I never received a clear
21 answer. I also asked that they do a new study on
22 this project since they were basing it on
23 assumptions from a completely different project. I
24 was told that the project would not be restudied.

25 I also asked why there were no

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1 geographically separate alternatives in this
2 project. Note that the project has all of its
3 substation sites on three corners of the same road
4 intersection of Irish Lane and Fish Hatchery Road.
5 Note also that this project has its transmission
6 line routes along Fish Hatchery Road running on both
7 sides. The sites and routes are obviously not
8 geographic alternatives.

9 I also asked that ATC study and report
10 back to the committee on alternative substation
11 sites and routes, in particular a transmission line
12 along Verona Road and a substation site in the
13 vicinity of the Fitchburg Technology Campus as these
14 would be geographically distinct from the current
15 proposals, along with having other notable
16 qualities. The ATC representative indicated that
17 they would look into this request.

18 Note that ATC briefed the committee that
19 they would be filing their application on the
20 project in November and didn't indicate that it was
21 possible for recommendations of the committee to be
22 included in their application. Note also that the
23 committee on the insistence of the mayor had a
24 finite life span that was to meet at the least until
25 November when ATC indicated it would be filing its

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1 application. Note also that the committee being
2 comprised of community volunteers did not have a
3 technical staff to support its efforts and did not
4 independently have the capability to thoroughly
5 investigate alternatives to what ATC was proposing.
6 Note also that the committee neighborhood
7 representatives were to report back to and receive
8 direction from their respective neighborhoods.

9 To the committee members and their
10 neighborhoods, this left the possibility open that
11 the original ATC project plan could be altered
12 through the work of the ad hoc committee. At the
13 committee meeting on August 21st, 2006, ATC did
14 report back on the alternative route along Verona
15 Road and the alternative substation site in the
16 vicinity of the Fitchburg Technology Campus. The
17 report was oral. No written data or information was
18 presented. The report consisted of a total
19 estimated cost of 30 million as opposed to their
20 estimated cost of 21 million for their proposed
21 project. I subsequently asked for written data on
22 this, was promised that it would be delivered. Note
23 that this was never delivered.

24 I also asked if they would be studying the
25 alternative site and route and was told that they

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1 had already studied the route along Verona Road as
2 part of their study of the 345 kilovolt line project
3 and that MG&E had already studied the site at
4 Fitchburg Technology Campus previously when they
5 were looking to locate a distribution substation in
6 2005. They also said that they would not be doing
7 any further studying of those alternatives. I then
8 asked them to be included as alternatives in their
9 application to the PSC, to which they declined.

10 In retrospect it also turns out that ATC
11 did do public outreach on the Verona Road line route
12 again as part of their 345 kilovolt line study.
13 Some of these comments can be found on the PSC web
14 site as testimonies from Charles Gonzales.

15 In retrospect MG&E did also a public
16 outreach on their original plans for a distribution
17 substation in the Oak Ridge area, including the
18 Fitchburg Technology Campus in 2005.

19 In summation, according to ATC and MG&E
20 they had already studied the alternative line along
21 Verona Road and substation at the Fitchburg
22 Technology Campus. They had conducted some public
23 outreach. They declined to assist the ad hoc
24 committee in any further study of alternatives when
25 asked, and they declined to add other alternatives

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1 to their application when asked by the ad hoc
2 committee. Note that this occurred before ATC
3 submitted their application to the PSC on the 138
4 kilovolt line and before ATC was finished with their
5 open houses.

6 Contrast their treatment of alternatives
7 to the discussion of the proposed sites and line
8 routes. When asked, ATC did provide some data on
9 their substation sites and routes going in and out
10 of those substation sites. In the same amount of
11 time, if ATC had taken -- been a serious planning
12 partner they could have provided some level of data
13 and study on the alternatives. If ATC had taken the
14 ad hoc committee seriously, they could have included
15 alternatives to their existing sites and routes
16 which would have been a true alternative to what
17 they had proposed.

18 In the end, even the recommendations of
19 the ad hoc committee on the ATC proposed sites and
20 routes were not adopted by ATC even though it was
21 made well before ATC submitted their application.
22 In fact, it was not until after ATC submitted their
23 application, and the PSC study process was being
24 conducted, that in May 2007 ATC decided to change
25 their primary site to the site recommended by the ad

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1 hoc committee in November 2006.

2 Note that one of the primary reasons given
3 to the ad hoc committee by Charles Gonzales for not
4 changing their application at that time, even though
5 it had not yet been submitted, was that it would be
6 too difficult to change the existing references in
7 the document from North Parish Gardens to the site
8 near the old town hall.

9 In the end ATC did not alter their plans
10 for the 138 kilovolt line and substation even though
11 they participated to some extent with the ad hoc
12 committee and had many opportunities to hear
13 objections by the residents of neighborhoods,
14 committee members and city staff to what they had
15 proposed, and to hear of alternatives that would
16 have not had to have been their primary choice, but
17 at least could have been part of their application
18 and thus available to the PSC to decide upon. They
19 decided to leave their application unaltered.

20 The decision by ATC left the neighborhood
21 with no alternative but to become involved in the
22 PSC process after the application had been
23 submitted. It also left the city with little choice
24 but to become involved in the PSC process since the
25 attempt by both residents and city government to

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1 work with ATC before their application was submitted
2 to try and alter it was not taken seriously by ATC.

3 I along with other neighbors got involved
4 in the application process at the PSC through
5 posting comments on the web site and by submitting
6 documents to the PSC. We also stayed involved in
7 our local government by reporting on the process at
8 city council meetings and in correspondence with our
9 district alders Jay Allen and Steve Arnold. We also
10 stayed involved with other neighborhoods that could
11 be affected by holding two neighborhood meetings and
12 having direct correspondence with each other.

13 Our efforts to be included in the PSC
14 process also led to our neighborhood becoming an
15 intervenor in the case and submitting technical
16 testimony.

17 The Hillside Heights neighborhood has
18 tried to be part of the process even before the PSC
19 phase by working with the City of Fitchburg via the
20 ad hoc committee and directly -- and working with
21 ATC via the ad hoc committee. The neighborhood has
22 also tried to be part of the formal PSC process by
23 submitting options, petitions and other documents to
24 the PSC via its web site or directly and as an
25 intervenor.

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1 Clearly the neighborhood has followed this
2 process and tried to influence it because the
3 outcome of ATC's proposed project is so very
4 detrimental to our neighborhood. We are being asked
5 to accept a burden that is unacceptable and is not
6 fair that we should be asked to accept it.

7 Following I have several pages of which
8 are direct citations of comments I made on the PSC
9 web site. I won't be reading those, but I'll submit
10 those as part of this.

11 EXAMINER MARION: And if it's something
12 that you've already filed, you don't need to submit
13 it again.

14 MR. LAWRENCE: It was submitted as a
15 comment on the web site.

16 EXAMINER MARION: Then, as I said, if
17 you've already filed it, it will be considered as if
18 you presented it this afternoon. You don't need to
19 do it twice.

20 (Witness excused at this time.)

21 EXAMINER MARION: Phyllis Fosshage,
22 please.

23 MS. FOSSHAGE: I have attached a form out
24 there. So I'd just as soon not talk.

25 EXAMINER MARION: Okay. I have something

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1 that said you wish to testify. You've changed your
2 mind?

3 MS. FOSSHAGE: Yes.

4 EXAMINER MARION: Okay. Thank you very
5 much. Gary Hammen.

6 GARY HAMMEN, PUBLIC WITNESS, DULY SWORN

7 DIRECT TESTIMONIAL STATEMENT

8 BY MR. HAMMEN: My name is Gary Hammen.
9 I'm a resident of Hillside Heights for 30 years. I
10 live at 2397 Kathleen Street, Fitchburg.

11 I wish to address the first two of four
12 issues in the docket today. In essence it is asked
13 if, number one, the proposed project will satisfy
14 the reasonable needs of the public for adequate
15 supply of electricity as required under Wisconsin
16 statutes for future requirements while considering
17 efficiency and cost of this service. We don't know
18 because I'm not formally educated in this field.

19 Over the past year and a half from what
20 I've heard from those who have extensive knowledge
21 in this area, I would view this proposal as
22 unnecessary and overkill. The PSC should already
23 have had any answers to this question on their desks
24 prior to this hearing from unbiased and trained
25 experts. Not from ATC which is an organization

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1 whose very existence is based on growth and
2 expansion of electrical infrastructure.

3 I believe their employees have taken the
4 easy way out while investigating and exploring where
5 the best locations and power lines should be
6 located. This was clearly done without regard for
7 citizens and residents in these areas who may be
8 adversely affected by these decisions.

9 For example, we were told that a site on
10 the west side of Fish Hatchery Road across from the
11 proposed substation site at the Parish Gardens
12 property was not available for purchase from the
13 owner. A few days later my neighbor visited the
14 site, walked off the distances of the perimeter and
15 contacted the owner. He was informed that contrary
16 to what ATC told us, the property would be
17 considered for sale.

18 Because of the great power given to ATC, I
19 believe that they may take the easy way out and
20 assume that we will accept what they tell us as
21 bottom line facts. They were wrong. Just because a
22 property that has an owner willing to sell doesn't
23 mean that locating a potentially health threatening
24 substation on it is the right thing to do. This is
25 an example of what a for-profit entity is capable of

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1 doing to further their profits and maintain their
2 existence. People should be considered over
3 profits. This whole process is flawed.

4 Number two, are there cost effective,
5 technically feasible and environmentally sound
6 alternatives to building the new transmission lines
7 and substations per the Wisconsin statutes. I have
8 concluded from the information received over the
9 past year and a half that the answer is yes, it
10 would be technically feasible to mandate wherever
11 possible or practical that incandescent bulbs be
12 replaced with fluorescent bulbs. Monetary
13 incentives to offset the cost of florescent bulbs
14 should be provided to all customers along with clear
15 information as to where they can be purchased.

16 Do a better job of promoting direct load
17 control for all customers. Make use of better wire
18 technology that is more energy efficient.

19 I want to thank you for listening to my
20 comments today. If you're serious about getting
21 meaningful answers to these two questions on the
22 docket today, you may want to join with those of us
23 who support the idea that ATC should be a -- should
24 not be a for-profit company, but should be a
25 nonprofit entity with unbiased viewpoints that

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1 benefit consumers of power as the Wisconsin state
2 legislature originally intended. Thank you.

3 EXAMINER MARION: Thank you, Mr. Hammen.

4 (Witness excused at this time.)

5 EXAMINER MARION: Roger Cole, please.

6 Excuse me, does Mr. Cole wish to testify? Yes, you
7 do. Exhibit B is received.

8 (Exhibit B received.)

9 ROGER COLE, PUBLIC WITNESS, DULY SWORN

10 DIRECT TESTIMONIAL STATEMENT

11 BY MR. COLE: Thank you for the
12 opportunity to provide testimony this afternoon. My
13 name is Roger Cole. My home address is E12805 West
14 Point Drive, Merrimac, Wisconsin, 53561. I
15 presently serve as chairman of the Wisconsin Utility
16 Investors, or WUI. This organization serves over
17 16,000 members. WUI is an independent nonprofit
18 organization comprised of shareowners of the five
19 Wisconsin investor owned electric utilities. This
20 proposed 138 kV transmission line from Fitchburg to
21 Verona is very much a need to meet the area's
22 projected electric demand in the coming years. The
23 state's aging and congested transmission systems
24 makes importing power from one state to the other or
25 from one location to another far more problematic,

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1 less cost effective and less dependable than it has
2 been in the past. This project will reinforce the
3 electric system in Dane County that brings power to
4 so many new and existing businesses and homes in a
5 fast growing county.

6 If we are going to encourage continued
7 growth in the area, then we must also be willing to
8 provide the infrastructure needed to support that
9 growth. This project has been load studied from an
10 engineering and environmental standpoint over
11 several years and has been shown to have sound
12 system requirements to move forward.

13 I am aware that you have and will hear
14 from different people or groups that question if
15 this project is even necessary, or should it be
16 moved to another location, be it homeowners,
17 environmental groups or others. But keep in mind
18 that at the end of the day the folks that will be
19 held responsible when the electric system cannot
20 meet the public's electrical demands in this county
21 will be the utilities, ATC and the Wisconsin Public
22 Service Commission.

23 The shareholder members of the Wisconsin
24 Utility Investors strongly support this project and
25 look forward to its completion. Thank you for your

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1 time.

2 EXAMINER MARION: Thank you, Mr. Cole.

3 (Witness excused at this time.)

4 EXAMINER MARION: Lawrence Ryder, please.

5 LAWRENCE RYDER, PUBLIC WITNESS, DULY SWORN

6 DIRECT TESTIMONIAL STATEMENT

7 BY MR. RYDER: My name is Lawrence Ryder.

8 I live at 2428 Lisa Lane, which is in Hillside
9 Heights. And our location, our residence is the
10 closest to the preferred site by ATC to locate their
11 substation. We live -- the front corner of our
12 property, the northwest corner of our property is
13 approximately 75 feet from the purchased -- ATC
14 purchased property. We're diagonally across the
15 intersection of Lisa Lane and Irish Lane from the
16 ATC property for their substation. It's about
17 approximately 75 feet across.

18 If you don't mind, Your Honor, I'd like to
19 keep my testimony on a more informal basis. We have
20 had a lot of expert testimony here and I'd rather
21 just keep my comments on a more informal basis.

22 And in that regard, I'd like to read from
23 a letter I wrote to ATC approximately -- well, over
24 a year ago. And if you don't mind, I would like to
25 read some excerpts from that.

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1 To ATC, and the date on this letter is
2 August 4th, 2006. My wife and I were appalled to
3 learn of your plans to purchase the Schraufnagel
4 (phonetic) property, which is the purchased property
5 by ATC now, for the purpose of constructing a five
6 acre electrical substation. We do not understand
7 why ATC would consider such a location in such close
8 proximity to our Hillside Heights residential
9 subdivision of over 40 homes. This would not only
10 create detrimental effects on property values but on
11 the health and lives of all within our neighborhood.

12 I am sure you are aware that recent
13 medical studies and research have shown that
14 exposure to electromagnetic fields and other forms
15 of dirty electricity created by high voltage lines
16 and related substation equipment, transformers and
17 so on, can have serious health effects on humans.
18 David Carpenter of the State University of
19 New York's public health says it is beyond doubt
20 that exposure to electromagnetic fields is
21 associated with all cancers and most clearly
22 leukemia and brain tumors.

23 And by the way, I believe Mr. Carpenter
24 was also in charge of the New York electrical
25 transmission brokering.

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1 Of all the residential properties in
2 Hillside Heights, ours is nearest to your proposed
3 substation. The northwest corner of our property is
4 about 75 feet from the southeast corner of your
5 substation property across the intersection of Irish
6 Lane and Lisa Lane. We would therefore be affected
7 the most by the dangerous hazards and loss of
8 aesthetic value to our property.

9 My wife and I have been retired for
10 several years and reside here 24 hours a day seven
11 days a week on a year-round basis. We would not be
12 able to get away from the effects, any effects from
13 the electromagnetic field. Your substation would
14 make us choose between abandoning our home to escape
15 the health hazards, or gamble and --.

16 (Interruption in proceedings - sirens.)

17 MR. RYDER: My wife and I have been
18 retired for several years and reside here 24 hours a
19 day seven days a week on a year-round basis. Your
20 substation would make us choose between abandoning
21 our home to escape the health hazards or gamble and
22 remain here in fear the rest of our lives.

23 We designed and built this home almost 40
24 years ago to provide a quality life for our four
25 children. Because I had the knowledge, a degree in

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1 industrial education, and skills, I personally did
2 most of the construction work while maintaining a
3 full-time job. I spent countless hours over many
4 years completing it.

5 And I won't read, there is a few
6 paragraphs in reference to what makes the home
7 unique and out of the ordinary, features that I
8 added as I built it. It's in the letter which I'll
9 submit. But I'll pass it over to save time, so
10 forth.

11 In addition -- oh, yeah. This is pretty
12 much a description of the things we did, many unique
13 features, too numerous to describe in this letter,
14 so on.

15 Years ago most of the view from the front
16 of our home across Lisa Lane was destroyed by the
17 construction of a metal commercial building complete
18 with dumpsters and industrial equipment. The only
19 remaining pleasant view is the Schraufnagel property
20 which is now owned by ATC. With its flowers in
21 summer and open space in the winter, your substation
22 would destroy this last remaining view.

23 A little more description on that. Our
24 living room and dining room area in front of our
25 home, directly across the street from the living and

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1 dining room area is the metal building as I've
2 described here. We planted fir trees to break that
3 view, which does a pretty effective job so you don't
4 have to look at that. The only open view we have is
5 directly at where the substation would be located.
6 And we go by there 50 times a day because we walk
7 through the house and that's what you see. The only
8 open area. And we would be reminded of this
9 constantly.

10 In addition, our neighbors and all those
11 who commute daily on Irish Lane and Fish Hatchery
12 Road on their way to the city would be exposed to
13 the substation's ugliness at what has become a major
14 intersection, especially during early morning and
15 late afternoon traffic.

16 If your substation becomes a reality at
17 this location, we would be expecting compensation
18 not only for the large loss of value to our
19 property, but also for the emotional stress,
20 relocation and total disruption to our lives. And
21 at my age I would be unable to duplicate this home
22 elsewhere, nor could I afford to have someone else
23 do it for me.

24 We feel that the protection of human and
25 animal life should be ATC's primary priority in its

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1 location of transmission lines and substations. And
2 all other considerations, land value, profits,
3 et cetera, should be secondary.

4 Please consider other corridors with the
5 least amount of exposure to human habitation as
6 possible. Such a route might be Verona Road south
7 to Whalen Road east as an example, locating the
8 substation in an isolated are along Whalen Road.
9 This was written over a year ago and these -- it
10 still expresses my feelings.

11 Because we are right across the road,
12 diagonally across the road, I constructed a sign,
13 you've probably seen it, right in my front yard
14 facing the ATC property. And there are articles
15 written, there have been many articles written about
16 this problem we have in our neighborhood.

17 I'm a 40-year resident of Hillside Heights
18 and have been retired approximately 16 years. In
19 summary, I'd like to just state where I am extremely
20 concerned about the harmful effects of
21 electromagnetic fields in such close proximity to
22 the substation. And I'm also concerned about the
23 very substantial loss in property value due to the
24 close proximity. And the loss of aesthetic value to
25 Hillside Heights neighborhood is another concern.

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1 And the view as I described from the front of our
2 home, living room, dining room areas would be
3 totally obstructed by a substation.

4 And I feel in my opinion that the
5 Fitchburg Technology Campus would provide the best
6 location for the substation with the least exposure
7 to human habitation. To me that is primary, my
8 primary concern, keep it away from people. I thank
9 you, Your Honor.

10 EXAMINER MARION: Thank you, very much,
11 Mr. Ryder. Would it be possible to have that copy
12 of the letter that you read from?

13 MR. RYDER: Yes, you can have the whole
14 packet.

15 EXAMINER MARION: You want to give me all
16 of that, okay.

17 (Exhibit C was marked.)

18 (Witness excused at this time.)

19 EXAMINER MARION: Mr. Allen, Jay Allen,
20 please.

21 JAY ALLEN, PUBLIC WITNESS, DULY SWORN

22 MR. STRECK: Your Honor, Mr. Allen has
23 filed pre-filed testimony on behalf of Hillside
24 Heights Neighborhood Association. I don't think
25 it's appropriate for him to speak here as well.

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1 EXAMINER MARION: Mr. Streck, I didn't --

2 MR. STRECK: I don't think it's
3 appropriate for him to speak here as well.

4 EXAMINER MARION: Mr. Allen, you are a
5 witness in this case and available for cross
6 examination next week. Were you intending, I
7 presume you were, to attend the technical hearing
8 session so that your evidence could be offered?

9 MR. ALLEN: Yes, sir.

10 EXAMINER MARION: Is there anything that
11 you wanted to say today that you think is more
12 appropriate in this setting than in your written
13 testimony, if you could just summarize it for me. I
14 don't want you to repeat it, sir.

15 MR. ALLEN: No, I understand. I realize
16 that this information goes -- that all this
17 information is out there and we don't want to have a
18 lot of duplication.

19 SUMMARY STATEMENT

20 BY MR. ALLEN: Essentially what I wanted
21 to point out is that the City of Fitchburg Common
22 Council does not support this particular site.
23 There has been a number of flaws in the process
24 which are detailed in a number of other pieces of
25 testimony. And our desire is that the PSC would

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1 deny this application and begin a process of looking
2 at some other options. That's really all I wanted
3 to point out today.

4 EXAMINER MARION: Okay. Thank you very
5 much for your understanding.

6 (Witness excused at this time.)

7 EXAMINER MARION: I'll say to you now,
8 Mr. Streck, and to any other attorney who makes an
9 objection, you're free to renew that as a motion to
10 strike next week. Ms. Hottenroth.

11 MS. HOTTENROTH: Your Honor, I did not
12 wish to give testimony.

13 EXAMINER MARION: I see that. Thank you.
14 Tony Hartmann, please.

15 PSC STAFF: He had to leave. He'll be
16 returning this evening.

17 EXAMINER MARION: Richard Doerfer. Oh,
18 that's a no too. Anneliese Emerson.

19 ANNELIESE EMERSON, PUBLIC WITNESS, DULY SWORN

20 DIRECT TESTIMONIAL STATEMENT

21 BY MS. EMERSON: My name is Anneliese
22 Emerson, and many of you have seen me at ATC's open
23 houses where I with my neighbors and friends pass
24 out literature and at public events such as this
25 where I videotape to document what is not reported

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1 to the public by much of our media.

2 My focus has always been on the public
3 health risks of the EMF which the utility industry
4 continues to deny. I come forward today to warn you
5 by speaking from my own experience. For the last 27
6 years I have worked in a steel building at our
7 business in an area already surrounded by power
8 lines, cell phone towers and a TV tower right
9 outside my office window. And then I go home every
10 night and sleep in a bedroom with another TV tower
11 visible through our bedroom windows in our home with
12 power lines in front of the house. I also use a
13 cell phone because I've been caring for a mother
14 with Alzheimer's the last eight years.

15 In the last 26 years, I have slowly become
16 more fatigued, I have body pains and a horrible
17 concentration, brain fog, even to the point where I
18 have trouble speaking. And so -- I also spend more
19 time, it takes me more time to get things done.
20 Early last year, I was asked to film a presentation
21 and heard about this issue for the very first time
22 and through my own research have discovered the
23 magnitude of studies that this PSC and the utilities
24 are withholding from the public and denying the
25 health risks to us all.

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1 I have also witnessed the silence about
2 this issue in the media, and that is one reason that
3 I document these events. The media overall is doing
4 an inadequate job, a lousy job, except for a few
5 courageous individuals in papers such as the
6 Fitchburg Star, The Isthmus and the Capital Times
7 where I daily read the quote from William Efview
8 (phonetic), the founding editor, let the people have
9 the truth and the freedom to discuss it, and all
10 will go well.

11 My parents and I immigrated to the United
12 States in 1952 for the promise of a new life in a
13 democracy. Every night after dinner, my father
14 would sit down at the dining room table to watch the
15 evening news and to read the newspaper with a
16 dictionary by his side. He relied on the newspaper
17 to bring him the news. I do also. And that's why I
18 feel betrayed, as you all should, when a newspaper
19 chooses to withhold information that affects us all.
20 Unless they report the truth, they have become
21 merely a mouthpiece of propaganda for the special
22 interests.

23 I am amazed when I express my
24 consternation and learn that people just accept this
25 as a reality. But should it be? By withholding

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1 facts, the public has no way of becoming informed
2 and also has no reason to be outraged because they
3 truly are being kept in the dark. How can a
4 newspaper call itself a newspaper when it doesn't
5 report the news.

6 I would like to cite a very recent example
7 where on July 25th, this summer, when Kyle Richmond
8 called for a press conference on the capitol steps,
9 he, Sondy Pope-Roberts, Spencer Black, Therese
10 Berso, Patrick Miles, Matt Beldron and citizens met
11 and they explained why they were calling for a
12 request for a legislative audit of ATC.

13 That morning before the press conference,
14 the Wisconsin State Journal did report that Dane
15 County supervisors will call for audit of ATC.
16 Since I hadn't heard of any follow-up reports of the
17 event, I inquired with two reporters a month later
18 if I had missed anything. And I was told, yes,
19 there were two reports. But after they E-mailed me
20 the links, one was the report that I just referred
21 to and the other was an editorial by the Wisconsin
22 State Journal on July 27th which said opponents of
23 ATC have thrown everything but the kitchen sink in
24 the way of the utility's plans to ensure that the
25 Madison area continues to receive an adequate,

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1 reliable supply of electricity.

2 Since that editorial, several people sent
3 letters and which weren't printed. But instead they
4 received personal replies from the editorial staff.
5 Also, several Madison news stations covered it and
6 very briefly, one or two sentences by Kyle Richmond,
7 and the remainder was devoted to ATC spokesperson
8 Frank Veneci (phonetic). If you were there, you
9 know that this coverage was inadequate.

10 So the public allows this all to continue
11 because of the corporate media's withholding of
12 information. But there are many who do know that
13 this is happening and feel helpless. But we must
14 not remain silent. We must speak up on behalf of
15 our children and future generations who will lose
16 the freedom we once had.

17 I'm extremely concerned about the silence
18 of the media overall. The public is kept unaware of
19 the implications and the consequences that these
20 lines will have for future generations. The
21 utility's scientists claim that because it can't be
22 proven with scientific certainty, there are no
23 proven risks. But this is a loophole for the
24 utilities to continue with business as usual while
25 the people assume the risks and are often the

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1 victims, such as was in the case of tobacco and
2 asbestos.

3 We need to implement the precautionary
4 principle approach and the utility should bear the
5 burden of proof to prove that it is safe to continue
6 as usual. Prudent avoidance measures must be taken
7 to protect the unsuspecting public, and the most
8 vulnerable among us are children who are most
9 susceptible because they are still growing, their
10 skulls are softer, they're not fully developed.

11 I have copies of some very recent and
12 important studies in the back. Please become
13 informed and speak up and demand that the government
14 bodies, such as the PSC, that are supposed to look
15 out for us do.

16 I just want to tell you that I was going
17 to put them in the back, but I was instructed that
18 Tony Roach said there could be no other tables
19 accept by the PSC. One of the studies that is very
20 important, I have the front page of them and I also
21 have a sign-up sheet if anyone would like me to
22 E-mail them the link, the 21 minute link that I put
23 on U-Tube, and you would like to see this -- the
24 press conference that Kyle Richmond had on the
25 capitol steps, I would be glad to send it to you.

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1 But the one study is in here and it's hundreds of
2 pages and it was just released in August of this
3 year. And it was -- let me just read a couple of
4 paragraphs. An international working group of
5 scientists, researchers and public health policy
6 professionals, the bio initiative working group, has
7 released its report on electromagnetic fields and
8 health. It raises serious concern about the safety
9 of existing public limits that regulate how much EMF
10 is allowable from power lines, cell phones and many
11 other sources of EMF exposure in daily life. This
12 August 31st documentation documents the scientific
13 evidence that power line EMF exposure is responsible
14 for hundreds of new cases of childhood leukemia
15 every year in the U.S. and all around the world.
16 The report documents scientific evidence raising
17 worries about childhood leukemia from power lines
18 and other electrical exposures, brain tumors and
19 acoustic neuromas from cell and cordless phones and
20 Alzheimer's disease. There is evidence that EMF is
21 a risk factor for both childhood and adult cancers.

22 Here too, David Carpenter that one
23 gentleman referred to, the director of Institute For
24 Health and Environmental at the University of Albany
25 New York says we need to educate people and our

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1 decision makers that business as usual is
2 unacceptable. Co-editor of the report, Cindy Sage
3 of Sage Associates says public health and EMF policy
4 experts have now given their opinion of the weight
5 of evidence. The existing FCC and international
6 limits for public and occupational exposure to
7 electromagnetic fields and radiofrequency radiation
8 are not protective of public health. New
9 biologically --

10 EXAMINER MARION: Ms. Emerson, excuse me,
11 I hate to interrupt, could you just slow down a
12 little.

13 MS. EMERSON: Okay.

14 EXAMINER MARION: Thank you. I appreciate
15 it.

16 MS. EMERSON: I will give you a copy too.

17 EXAMINER MARION: Okay. Great.

18 MS. EMERSON: But not today because --.

19 EXAMINER MARION: All right.

20 MS. EMERSON: New biologically based
21 public and occupational exposure are recommended to
22 address bioeffects and potential adverse health
23 effects of chronic exposure. These effects are now
24 widely reported to occur at exposure levels
25 significantly below most current national and

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1 international limits. And one particular professor
2 that we tried to, during the Waunakee case, we
3 wanted him to be -- to come and be an expert
4 witness, but of course we didn't receive any
5 compensation for him, contributing author, Dr.
6 Martin Blank, Columbia University professor and
7 researcher in bioelectromagnetics says cells in the
8 body react to EMFs as potentially harmful, just like
9 to other environmental toxins, including heavy
10 metals and toxic chemicals. The DNA in living cells
11 recognizes electromagnetic fields at very low levels
12 of exposure and produces a biochemical stress
13 response. The scientific evidence tells us that our
14 safety standards are inadequate and that we must
15 protect ourselves from exposure to EMF due to power
16 lines, cell phones and the like.

17 So how can the PSC and the utilities claim
18 there are no risks in light of all these worldwide
19 studies. Thank you for your time.

20 EXAMINER MARION: Thank you. I just want
21 to ask, you referred to something, some report that
22 you -- or what you were reading from that you want
23 to file. Is that one of these studies that you
24 referred to --

25 MS. EMERSON: Yes.

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1 EXAMINER MARION: -- or is that what you
2 were reading? Can you show me what it is you want
3 to file. The deadline, today is the last day to
4 file something. But I would like to look at what it
5 is you want to file because I may have some
6 questions about it.

7 MS. EMERSON: Sure.

8 EXAMINER MARION: Can I look at it now?

9 MS. EMERSON: Right now?

10 EXAMINER MARION: Please. Off the record.

11 (Discussion off the record.)

12 (Exhibit D was marked.)

13 EXAMINER MARION: I'm marking as Exhibit D
14 a document entitled Bio Initiative Report, a
15 Rationale for Biologically Based Public Exposure
16 Standards for Electromagnetic Fields. I'm going to
17 let counsel look at that; and if there is an
18 objection to the receipt of Exhibit D which the
19 witness wants to submit later, you can make that
20 next week and I will withhold a ruling on Exhibit D
21 until then. So you need that back.

22 MS. EMERSON: Um-hmm.

23 EXAMINER MARION: So let them look at it
24 and then you can get it back.

25 MS. EMERSON: Thank you.

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1 EXAMINER MARION: Thank you. Dan and Judy
2 Breunig, please.

3 DAN BREUNIG, PUBLIC WITNESS, DULY SWORN

4 DIRECT TESTIMONIAL STATEMENT

5 BY MR. BREUNIG: This is one of those
6 times when I think that it would be so nice to be
7 able to turn the clock back a few years and I have
8 this vision if I could turn the clock back a few
9 years of seeing the developers of the Fitchburg
10 Technology Center and ATC and the City of Fitchburg
11 getting together and deciding upon a location for
12 the substation because that's where the substation
13 belongs.

14 All we have to do is look around at other
15 substations, such as the classic one is the one on
16 the west town, I mention that one only because all
17 of us drive by it all the time, we see it all the
18 time, one could even say it's highly visible, and
19 yet I drove past it for more than 20 years before I
20 realized that there was a substation there because
21 it's so well concealed that it looks like it's
22 another building, like another commercial building.
23 One would also note that there are no cables above
24 ground. I assume that's because of the fact that
25 the developers had fairly good size pocketbooks and

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1 were therefore able to pay the cost of putting all
2 the cables underground.

3 And yet assuming we've got someone like
4 ATC coming along with a plan instead of the prior
5 developers, then we slam the subdivision (sic) right
6 down along some residential property because that's
7 where you buy the property quickly. And we've got
8 major power lines planned overhead and everyone is
9 talking about the concerns of that of course. One
10 of the concerns obviously is aesthetics.

11 When I talked about turning the clock
12 back, I would have to say that in my opinion I don't
13 think it's too late to turn the clock back. This is
14 one of those fortunate situations where we could
15 still turn the clock back. We could still look at
16 the technology center. Not only could we, we should
17 look at it, and it should be the place for this
18 substation to go, not smack dab on the edge of some
19 residential property and so on. And my
20 understanding is that it could be done, it can be
21 done.

22 Now, I should also point out that I was
23 reading the Fitchburg Star the other day and I
24 noticed that there is a quote from one of the ATC
25 representatives to the effect that this was now

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1 being proposed in the 11th hour. And I would have
2 to respond to that by saying that ATC had this thing
3 so well planned before any of us knew it was
4 happening that they indeed are in the 11th hour,
5 we're still just right after breakfast having our
6 coffee here and kind of trying to digest where we're
7 going with this wild tiger that we're riding. And
8 all I'm trying to suggest here today is that I would
9 really, really encourage the PSC to grab a hold of
10 this thing, grab a hold of this wild tiger that
11 nobody can stop or slow down, we can't even get it
12 by the tail and go for a ride. They're just there
13 pushing along. And we can't do much about it
14 directly, the city can't do much about it directly.

15 The only people that can get a handle on
16 this and control it is the PSC. And it's incumbent
17 upon the PSC to not just look at providing the
18 services that one of the gentlemen here alluded to.
19 I recognize that the services are needed, electrical
20 services. But I also recognize that people need to
21 be willing to pay for those services. And one
22 community should not get cheap services at the
23 detriment or the cost of another community and
24 another specific neighborhood. That just ain't
25 fair, and putting it very simply that ain't the all

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1 American way. Thank you.

2 EXAMINER MARION: Thank you, Mr. Breunig.

3 (Witness excused at this time.)

4 EXAMINER MARION: Rena Gelman.

5 MS. GELMAN: I agree with everything this
6 gentleman just said.

7 EXAMINER MARION: Okay. Thank you. I
8 need to swear you in and we have the reporter, so
9 you need to sit behind the mic if you would so that
10 we can get your testimony down.

11 RENA GELMAN, PUBLIC WITNESS, DULY SWORN

12 EXAMINER MARION: You're sneaking up on
13 the --

14 MS. GELMAN: I'm trying to make it easier
15 for you.

16 EXAMINER MARION: I appreciate it. I just
17 want you to talk into the mic so we can hear you.

18 MS. GELMAN: I appreciate what you said
19 before about repeating and not repeating and
20 representatives of the neighborhood. So I'm going
21 to be very brief.

22 EXAMINER MARION: Thank you.

23 DIRECT TESTIMONIAL STATEMENT

24 BY MS. GELMAN: I agree with the
25 gentleman, everything he said, the gentleman before

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1 me. And I have submitted some written testimony and
2 I'll go on record just with that.

3 EXAMINER MARION: Thank you very much.

4 MS. GELMAN: Thank you.

5 (Witness excused at this time.)

6 EXAMINER MARION: Peter Miess.

7 PETER MIESS, PUBLIC WITNESS, DULY SWORN

8 DIRECT TESTIMONIAL STATEMENT

9 BY MR. MIESS: My name is Peter Miess. I
10 live in Hillside Heights in Fitchburg. Considering
11 the amount of ratepayer money that would be spent on
12 a power line and the long term consequences with
13 respect to the common good, we should be sure that
14 the line is needed. This should be done through an
15 independent study as we the people advised in the
16 referendum. An independent study should consider
17 important conservation measures and new technologies
18 that enable existing lines to carry more load. If
19 the independent study shows that the line is needed,
20 it should be in the Fitchburg Tech Campus/Verona
21 Road alternative, not routed south through the
22 middle of Fitchburg, and should be underground.

23 In the event these popular concerns
24 mentioned above are not given the weight many
25 citizens hope for, the substation should be located

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1 in the area of west of Fish Hatchery Road. This
2 would keep the harmful effects farther away from
3 human dwellings.

4 I believe that ATC should be returned to
5 nonprofit status. I believe that we the people of
6 Wisconsin and our general welfare should be the only
7 consideration by the PSC commissioners. Thank you.

8 EXAMINER MARION: Thank you, Mr. Miess.

9 (Witness excused at this time.)

10 EXAMINER MARION: David Off, please.

11 Mr. Off? (No response.) Tony Hartmann. (No
12 response.) Stewart Stroup. (No response.) Marylyn
13 Stroup. Oh, she doesn't want to testify. Okay.
14 Mr. Books. Steven Books. Do you want to testify,
15 sir?

16 MR. BOOKS: Yes. Did I check yes?

17 EXAMINER MARION: Yes, you did.

18 STEVEN BOOKS, PUBLIC WITNESS, DULY SWORN

19 DIRECT TESTIMONIAL STATEMENT

20 BY MR. BOOKS: Yes. Good afternoon, Judge
21 Marion, and Public Service Commission staff. I have
22 a few concerns regarding the American Transmission
23 Company line from Verona -- or from Fitchburg to
24 Verona. I was an intervenor in the case 137-CE-139,
25 the Waunakee line. And it was a long case I would

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1 say. And a lot of developments came up with that
2 case.

3 I believe that these power lines are not
4 what is needed for Dane County at this time. These
5 power lines do not represent a sustainable
6 infrastructure which Dane County takes its pride in.
7 With that, I would say that the public citizens of
8 Dane County are being bamboozled by American
9 Transmission Company and this bamboozlement is in
10 epic proportions.

11 I would like to talk today about the need
12 for the line, the source of electricity and the
13 conservation programs that could be used to mitigate
14 the power transmission line power concern why
15 American Transmission Company believes that we need
16 these lines in the first place.

17 First of all, as the gentleman previously
18 stated, we did not have an independent study yet. I
19 would like to say that the independent study has not
20 surfaced yet. I don't know what's going on with
21 that. Our elected officials maybe do not take that
22 to heart that we elected them to take heart what the
23 public citizenry want, and this hasn't been done yet
24 and I have a great concern with our legislators and
25 our city council people, Dane County wide, our

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1 county board. This is a concern that I have.

2 The source of electricity in Wisconsin
3 currently, and this is a rough estimate or rough
4 account, but 90 percent of our electricity comes
5 from coal. And so is power generated from coal
6 really what we want at this time in Dane County, and
7 this is the electricity that would flow on the line
8 from Fitchburg to Verona would be generated by coal.
9 And so I think there is a lot of problems with that.
10 And I'm not sure that we as a state want to keep
11 generating electricity from coal which generates a
12 lot of global warming gases, CO2, not to mention a
13 lot of pollutants.

14 And getting on to the next subject of
15 conservation programs, this is one area that Dane
16 County can really improve upon. Recently, last
17 November, I went on time-of-day rates which is a
18 program designed to offer savings to a customer who
19 can shift a portion of on peak load and off peak
20 time periods for electricity, meaning that you're on
21 peak or off peak. And it's similar to a program
22 that used to be similar to your phone rates for your
23 long distance calls. You would wait until 9 o'clock
24 at night and you would get a cheaper rate.

25 Well, time-of-day rates is a program that

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1 says you will be rewarded cost savings for the
2 electricity you use from a certain time period. And
3 my time period in Mount Horeb is 8 o'clock at night
4 to 8 in the morning. And basically I pay 11 cents a
5 kilowatt for on peak electricity and 3 cents per
6 kilowatt hour for off peak electricity. So I try to
7 save at night, using major appliances at night like
8 the electric clothes dryer. I use it at night and I
9 have a substantial savings.

10 And that program also, it kind of makes
11 you aware of -- you kind of challenge yourself to
12 use less just doing that program. And this is a
13 free program that all utilities in Dane County are
14 required with the Public Service Commission to offer
15 as a low cost option. It's a savings program. We
16 just don't hear too much about it, how to do it.
17 That's one thing. And I would add that that
18 program, I found it curious that when I went to
19 request this program from Mount Horeb utilities, I
20 had to wait two months and I had a request from the
21 utility commission to set that program up. And I
22 thought, well, this is curious, here's a program to
23 offer me savings and I have to wait two months. I
24 wanted that program right now. But I did wait, we
25 had to request it, it had to go through Wisconsin

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1 Public Power, Incorporated, for their request
2 through Mount Horeb utilities, and finally it went
3 through. And I hope that all communities who are
4 under WPPI in Dane County offer this service and
5 that if a customer wants it in Dane County they
6 don't have to go and request it and wait two months
7 like I had to do. I think people ought to be
8 offered the cost savings immediately.

9 Another area I'd like to touch on is
10 inverted rates. In Waverly, Iowa, inverted rates
11 are offered and they just did this in July, and I'll
12 read from their program in Waverly, Iowa. The new
13 rate design will reward energy efficiency. It will
14 also differentiate between the four summer months
15 when Waverly Light and Power experiences the highest
16 demand for electricity and the eight remaining
17 months of the year. The winter rates will remain at
18 a flat rate for all kilowatt hours consumed. The
19 summer rates will have a variable rate based on
20 customer usage. Customers using the most energy
21 will be charged at the highest rate. And as I said,
22 the rate structure will take effect on meters read
23 after July 1st, 2007.

24 Well, what their rate does, it says that
25 you're charged .085 cents per kilowatt hour for 600

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1 kilowatt hours during the summer months. Your next
2 500 kilowatt hours, you're charged an additional
3 about one and a half cents. And if you go over
4 that, you're charged another one and a half cents.
5 So what it does is it charges more for the customers
6 who use more. And currently in Dane County, no
7 electric utility has this program, which I think
8 would be kind of an incentive for people to use
9 less. And that's one of my charges too, no pun
10 intended, for the public to use less. It seems like
11 using less does not get out there enough.

12 I also made a choice when I was thinking
13 about these time-of-day rates, I finally bought an
14 energy efficient appliance, a new refrigerator and
15 that was an Energy Star refrigerator, and that
16 really seemed to make a difference with my total
17 kilowatt usage. There is dishwashers and dryers now
18 that offer the Energy Star label, and the appliances
19 really don't cost that much more and most of the
20 times you can get a rebate from Focus On Energy
21 program. And then where I purchased my appliance,
22 the refrigerator, they were offering a \$100 rebate
23 at the time also. So it was really -- I almost
24 purchased that refrigerator for half price. It was
25 a very good buy.

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1 Again, I would like to say a couple things
2 about time-of-day rates. As I got into that
3 program, I learned a little bit more about it. I
4 did it mainly for the cost savings, but it does do a
5 shift on your electricity from off peak and on peak.
6 And I was able to bring my total kilowatt hours down
7 to less than a hundred in this month of July which
8 it's 95 which is pretty remarkable, due to the fact
9 it was summer, but at the same time I do not have
10 air conditioning. But I was able to put 75 percent
11 of my kilowatt usage on off peak hours. And roughly
12 25 percent on on peak. So that was the savings for
13 that.

14 Reading from the pamphlet I received from
15 WPPI, well, I obtained from WPPI writing to our
16 Mount Horeb utilities superintendent, WPPI wrote
17 that customers who do change their usage
18 characteristics not only save by reducing their
19 power bill, but they can also help reduce the
20 utility's cost of power which reduces cost to all
21 customers through the power cost adjustment clause.

22 So it seems like, again, when we save, it
23 helps, it helps for everybody to save in their
24 charge for electricity.

25 And that's all I have at this time. Thank

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1 you.

2 EXAMINER MARION: Thank you, Mr. Books.

3 MR. BOOKS: Could I submit a few things?

4 EXAMINER MARION: You can show it to me
5 and we can look at it.

6 MR. BOOKS: Okay.

7 EXAMINER MARION: We're going to take a
8 ten-minute recess at this time and we'll resume at 5
9 minutes after 5.

10 (Recess taken from 4:55 to 5:05 p.m.)

11 EXAMINER MARION: Okay. We're going to
12 resume the hearing at this time, please, if you
13 could come to order. And at this time I will call
14 to the witness stand Rita Burke Henricks.

15 RITA BURKE HENRICKS, PUBLIC WITNESS, DULY SWORN

16 DIRECT TESTIMONIAL STATEMENT

17 BY MS. BURKE HENRICKS: First of all, we
18 and many of our neighbors support Mr. Allen's plan
19 as very viable. We know that people argue that it
20 is not cost effective, but cost effective to who.
21 We feel that -- we live on Montadale which backs
22 into the Mandt property. We feel that our
23 neighborhood will take a very big hit,
24 aesthetically, visually, loss of property value.
25 Mr. Rineer from the PSC said that we could lose up

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1 to 23 percent of the value of our property and then
2 after a few sales it might come back. But for some
3 of us, we don't have time to wait for a couple sales
4 for it to come back. That could be 70,000 or more
5 of our property value that would be lost with the
6 power plant -- or the, you know, thing being put.

7 And even if my property doesn't go down,
8 if my neighbor's property goes down then mine goes
9 down with it. Because if someone loses that much
10 property value, they're going to not keep it up.
11 Why should they?

12 ATC tells us that the screening would take
13 time, that they aren't willing to put in, that they
14 would say this is how much we'll give and they won't
15 really screen it. We are concerned about what would
16 come around it. Now, my husband served on that
17 committee and we said, okay, put it in that city
18 property right near Fish Hatchery Road. Then
19 Mr. Allen's plan came up, and we certainly would
20 prefer that. But if it went on the city property
21 right near Fish Hatchery Road, some of our neighbors
22 said, okay, we can live with it. If it goes back
23 further as some people are proposing, it is going to
24 be very visible, it is going to diminish our
25 property even more, and what goes around it. If

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1 someone puts a substation in and we look at
2 substations in the area such as the one down on PD,
3 they put commercial around it. We don't want to
4 have a Target behind us or a, you know, Wal Mart or
5 anything like that. And that's what would go in
6 there. Because you would be taking a great part of
7 the farmland.

8 When we bought, we were told it was going
9 to be 15 to 20 years before anything went behind us.
10 Now we're not saying, you know, nothing should go
11 back there. But we say, hey, let's be fair to the
12 people who purchased homes in that area and did
13 their homework, we were told that nothing was
14 happening with those wires when MG&E knew darn well
15 that something was happening with those wires.

16 So we really -- and when they -- ATC says,
17 well, is it really dangerous, what if in five years
18 from now it comes up that it is dangerous, who's
19 going to compensate me? I don't let my
20 grandchildren play in my background right now for
21 fear that maybe in a few years something will come
22 up. I was promised it wouldn't and now I'm getting
23 scared. I shouldn't have to be scared. And I
24 shouldn't have take a bigger hit than I'm already
25 taking. You know, I think we've taken a big enough

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1 hit. And I don't think it should be put right next
2 to a residential neighborhood where we're asking
3 certain neighbors to take a really big hit for an
4 area that isn't even going to be or supposed to be
5 developed for quite a long time. It isn't the hub
6 of the city as they proposed it was. No way is it
7 the hub of the city. It isn't supposed to be
8 developed for another 15, 20, 25 years. And that's
9 what we were told when we bought there and that's
10 our retirement home. And, you know, people will
11 say, well, it isn't diminished that you want to
12 by -- you know, people go by school systems or
13 whatnot. Yes, it is diminished and some of our
14 neighbors have said that, now people look at those
15 wires and say uh-uh, not going to buy.

16 So it does diminish our property. And
17 that's really all want to say is that, you know, our
18 neighborhood feels very strongly that, first of all,
19 we don't need traffic going through our
20 neighborhood, it's a nice residential area, people
21 bought it for that reason. And we would like to
22 say, hey, if there is expense, shouldn't it be
23 spread out more than just on a neighborhood or two.
24 And we're very, very concerned too that with the
25 wires that are supposed to go in next, that

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1 someone's going to put the substation there and then
2 they're going to tell us too bad, you've already got
3 the substation, now you need the extra wires too,
4 the extra power lines. And we just -- we can't take
5 any more. And we've been lied to and lied to and
6 lied to about, oh, it doesn't impact this or it
7 doesn't impact that. Well, Mr. Rineer has stated in
8 here, he says I've seen up to 30 percent property
9 value decrease. We can't afford it. That's all I
10 really want to say.

11 EXAMINER MARION: Thank you very much.

12 (Witness excused at this time.)

13 EXAMINER MARION: I want to make a
14 statement for the record for the attorneys
15 representing the parties. What I would like to
16 accomplish, and certainly will hear from any of the
17 lawyers, with witnesses who have offered exhibits,
18 the reason I'm asking you to take a look at the
19 exhibit is if there is an objection to something
20 that can conceivably be cured this afternoon or this
21 evening with the witness on the stand in terms of
22 voir diring the witness, helping establish a
23 foundation for the admission of the testimony or
24 authenticating the testimony, then I expect the
25 parties to try to do that while the witness is

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1 present.

2 And so where I have stated that objections
3 can be renewed next week at the technical session,
4 that's for arguing things like relevance and other
5 grounds in addition or other than something that
6 conceivably could be cured with the witness present
7 because obviously we're not going to have that
8 individual here next week. So before I did get a
9 request from one of the witnesses and I wanted to
10 clarify, and I believe she's still here, and I would
11 like you to look at Exhibit B again if you would and
12 if you have any questions in light of what I just
13 said about your responsibility to try to cure any
14 objections with the witness present, I'd like you to
15 try to do that.

16 I'll call at this time Rebecca Russell.
17 (No response.) Is Ms. Russell present? John Cates,
18 please. Counselor.

19 JOHN CATES, PUBLIC WITNESS, DULY SWORN

20 DIRECT TESTIMONIAL STATEMENT

21 BY MR. CATES: I live in Hillside Heights,
22 and I guess I wanted to tell a little story. I
23 bought a house in Wildwood in 1988. And at that
24 time, Seminole Forest had just been built. There
25 was no Seminole Ridge. There was nothing on PD, it

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1 was a two-lane road. Fish Hatchery was a two-lane
2 road. And there wasn't even a connection between
3 Wildwood and Tower Hill at that time.

4 And basically since that time, it's pretty
5 apparent what's happened. Things just keep getting
6 built and built and built and built and they keep
7 going south, south, south. And that area around
8 Lacy Road where we are now, I mean there was nothing
9 here. Irish Lane is the very next road down. And
10 it seems to me absolutely ludicrous to put a
11 substation in an area where there will be
12 development on a corner of the very next road.

13 You know, you have neighborhoods and you
14 have lots of farmland. How does it make sense to
15 put a substation next to a neighborhood? How does
16 that make any sense whatsoever, just from a planning
17 standpoint? And not only are you putting it next to
18 a neighborhood, you're putting it across the street
19 from a Fitchburg park where kids play and there is a
20 pond. I mean I can't think of anything more
21 ridiculous if there are other options. And
22 basically what we learned is those options have not
23 been looked at. They've been cursored, they have
24 been ignored.

25 And I just feel that if you just take any

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1 logical way of looking at the growth of Fitchburg,
2 the growth of Fitchburg is going to go south, it's
3 going to go down Fish Hatchery Road. Eventually
4 that section of Fish Hatchery Road will be a
5 four-lane. There will be commercial buildings going
6 into the new area. There are other places the
7 substation could be put that will not interfere with
8 neighborhoods and the growth of Fitchburg.

9 And I just think that they buy the land
10 for way, way, way, way more than what it's worth, so
11 now that's -- they have the land, that's where it's
12 going to go. And I just -- I feel that the people
13 that have been there and established their homes
14 have a right to continue living in the area that
15 they basically chose to live in when there are other
16 options. And I think that this thing should be
17 halted, I think it should start over, the options
18 should be looked at, and I believe that you have to
19 do things that make sense. And this doesn't make
20 sense. A substation across the street from a park
21 where kids play, how in the world does that make any
22 sense whatsoever? And that's in essence as simple
23 as I can make it.

24 EXAMINER MARION: Thank you, Mr. Cates.

25 (Witness excused at this time.)

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1 EXAMINER MARION: Tony Hartmann. (No
2 response.) Has Mr. Off returned? Has Mr. Stewart
3 Stroup returned to the hearing room? Is Mrs. Miess
4 present?

5 MRS. MIESS: Yes, but I'm not speaking.

6 EXAMINER MARION: Okay. Is Rebecca
7 Russell in the hearing room? Okay. I will ask at
8 this time, is there anyone else who's present who
9 wishes to testify before we adjourn? Hearing no
10 responses to that, I will assume that everyone who
11 wished to testify at this 3 o'clock session has had
12 an opportunity to do that. And unless counsel have
13 any further business, we will recess until 7. Thank
14 you all.

15 (Recess taken from 5:20 to 7:00 p.m.)

16 EXAMINER MARION: I'd like to call to
17 order at this time Public Service Commission of
18 Wisconsin docket 137-CE-146 which is the Application
19 of American Transmission Company As an Electric
20 Public Utility to Construct a New 138 Kilovolt
21 Transmission Line From a New Substation in Fitchburg
22 to Be Called the Oak Ridge Substation to the
23 Existing Wisconsin Power & Light Company Verona
24 Substation in Verona, All in Dane County, Wisconsin.

25 I will note for the record that the

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1 appearances of the attorneys are the same as this
2 afternoon. And I'll introduce myself and give the
3 public who is present some indication of how we're
4 going to proceed this evening.

5 This is the second of two public hearing
6 sessions. The first was this afternoon at 3 p.m.
7 My name is Ed Marion, I'm the administrative law
8 judge. I don't make the decision in this case, but
9 it's my responsibility to preside at this hearing
10 and at the so-called technical hearing sessions
11 which are next week where the parties will be
12 putting in their technical evidence about the need
13 for this project and all other factors that are
14 relevant to the Commission's decision on whether or
15 not to approve it.

16 This is a session of the contested case
17 hearing; so if you hear an attorney object or hear
18 me talk about exhibits which are being marked and
19 giving people an opportunity to look at those, it's
20 because this is a formal hearing session. We are
21 transcribing this with a reporter, and I do ask
22 folks to be mindful of the fact that we can only
23 have one person speak at a time. And please speak
24 slowly and as clearly as you can.

25 At this time, I only have two appearance

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1 slips from individuals who have indicated a desire
2 to testify. What I'm going to do, because it's just
3 a few minutes after 7, we'll hear from these folks
4 and then probably take a 10- or 15-minute recess
5 just to make sure that there aren't any people who
6 are on the way who may just have assumed that it was
7 going to take longer. I don't want to cut things
8 off prematurely.

9 I think folks have probably been stopped
10 at the front gate and asked to fill out one of these
11 appearance slips. The alternative ways to
12 participate in this process are to testify this
13 evening or to write comments on the appearance slip
14 and then submit those instead of testifying, or
15 filing or faxing to the Commission yet this evening
16 any comments that you might have that you want to
17 compose on your computer or whatever, you have until
18 midnight to do that.

19 If at any time anyone has any questions,
20 please feel free to raise your hand and I may ask
21 you to identify yourself for the record because we
22 do need a transcript and a record of everyone who is
23 speaking if I think that's necessary, and if I ask
24 for your name that's why.

25 When I call your name to testify, please

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1 stand and raise your right hand and I will
2 administer an oath or affirmation to you so you are
3 asked to either swear or affirm that the testimony
4 you're about to give will be the truth. And with
5 those opening comments, I'd like to welcome you and
6 ask Mr. Tony Hartmann to please come forward.

7 TONY HARTMANN, PUBLIC WITNESS, DULY SWORN

8 DIRECT TESTIMONIAL STATEMENT

9 BY MR. HARTMANN: I have a copy of a
10 letter, and I'm not sure who gets that. I was going
11 to read it.

12 EXAMINER MARION: You can give that to me,
13 sir. Are you going to be reading from it?

14 MR. HARTMANN: Yeah, I'll read this and
15 then make a few comments. It's just two pages and
16 hopefully I can read it relatively quickly.

17 I should say while I don't officially
18 represent any homeowners' groups by and large, this
19 was a petition actually in a letter that was
20 circulated last summer, summer of 2006 to citizens
21 up and down Whalen Road which is one of the proposed
22 routes for the 138 kV line and into the Branson Road
23 neighborhood. So roughly Whalen Road and Fish
24 Hatchery, in that neighborhood there.

25 There was actually a letter that preceded

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1 this, I don't have that with me, but it was sent
2 directly to I believe ATC and MG&E just as this one
3 was. And this one is dated with their names at the
4 top June 11th of 2006. It's regarding the new Oak
5 Ridge substation and proposed 138 kV Verona
6 transmission line. The one I think that went on
7 before this went out when it was still a Montrose
8 direction.

9 In November of 2005, residents of the
10 Whalen Road/Branson Road impact area contacted you
11 with regard to the above mentioned proposed
12 substation. We were questioning your decision to
13 include property within a half mile of Whalen Road
14 on your short list for siting the new high voltage
15 Oak Ridge substation and connecting 138 transmission
16 lines. Parenthetically, connecting to the Sun
17 Valley and Montrose substation. We received no
18 specific response from ATC or MG&E.

19 We have grown extremely agitated and
20 pointedly skeptical after finding out nearly a year
21 into the process that, in quotes, an engineer at
22 MG&E -- this has notes, footnotes at the bottom,
23 this was a conversation with Mr. Kurt Hendrickson of
24 the ATC on June 9th of 2006 -- now believes that the
25 connection to Montrose is not even necessary and is

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1 instead proposing a different link to another
2 terminus, neither of which was ever mentioned
3 before.

4 One of the two prospective corridors runs
5 nearly the entire length of Whalen Road and would
6 connect the new Oak Ridge substation to an existing
7 substation in Verona possibly only to provide system
8 redundancy. This week a letter was sent to those
9 residents, and again in quotes, whose property is
10 located on or adjacent to one of the possible
11 transmission line routes, end quote, indicating that
12 the two brand new alternatives are now, quote, the
13 remaining potential route options, end quote, with
14 another footnote referring to a June 5th letter from
15 ATC signed by Charles Gonzales and Sarah Justus.

16 This letter is therefore to put the ATC
17 and MG&E on notice that we are not satisfied that
18 either the original proposal or this new one has
19 been systematically studied or well planned. We're
20 definitely not, again in quotes, assured that ATC is
21 committed to finding the best solution and following
22 a fair and inconclusive process, end quote. And
23 that third footnote is an October '05 ATC letter
24 describing the routing and siting process.

25 Of the east/west corridors available to

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1 site the new transmission line, Whalen Road is
2 perhaps the most densely populated and in fact
3 following this corridor would impact the greatest
4 number of existing taxpaying Fitchburg residents.
5 Our further specific grievances are as follows.
6 One, using existing corridors will provide the
7 greatest benefit to future developments and
8 developers and largest adverse impact on existing
9 development, in this case largely concentrated right
10 along Whalen Road. Once a new line is built,
11 current residents will have had no choice about
12 whether or not to live near high voltage
13 transmission lines while consumers of new
14 residential units or resell homes in the impact area
15 would.

16 Two, there are serious negative health
17 effects from high voltage lines, especially with
18 regards to children and links to leukemia.
19 According to several studies, these increase
20 exponentially with proximity to high voltage. One
21 2005 childhood cancer study from the United Kingdom,
22 reference G.L. Draper, and then in quotes, reported
23 an increase in leukemia incidents for birth
24 addresses within 600 meters of high voltage
25 transmission lines, end quote, with even greater

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1 incidences within 200 meters.

2 Point three, alternative routes partially
3 included in the phase 2 preliminary corridors would
4 have little direct impact on Fitchburg residents
5 since they run through undeveloped or agricultural
6 land. One of these could even be the shortest
7 possible route. And there was a map that was
8 originally included.

9 Point four, human and livestock health
10 hazard. Stray voltage issues have been successfully
11 litigated on behalf of Wisconsin residents and
12 farmers.

13 Five, pollution, sight and sound issues,
14 real estate has been shown to have a view value
15 associated with it. Power lines specifically can
16 impact valuations by as much as 53 percent with a
17 footnote number 5, that was E. Cooper from the Utica
18 Observer. And again there is a reference that goes
19 to that. Let's see. Thus anything that negatively
20 impacts our real estate values will correspondingly
21 have a negative impact on property tax revenue
22 including a potential reduction in city services.

23 As stated in our first letter, we are
24 reasonable citizens of Dane County, so it is
25 particularly difficult to find our local utilities

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1 vacillating on new substations and the need for
2 transmission routes at all. We believe that there
3 are more important considerations than ease of land
4 acquisition when it comes to locating such lines.
5 Corridors that currently have no residences should
6 be highest on the list of alternatives. We believe
7 an independent third-party study should be
8 undertaken to evaluate actual needs and best
9 alternatives when a line is found to be truly
10 necessary.

11 Nothing is more important than the health
12 and welfare of our citizens. We the undersigned
13 specifically desire a response from the ATC/MG&E
14 with regards to our above mentioned concerns and
15 suggestions. As in the past we will be attending
16 the open house meetings scheduled for later in the
17 month. It would be extremely helpful to have
18 engineers who are proposing the new lines present to
19 answer questions.

20 Then there is about 45 signatures on the
21 following three pages. This was sent originally to
22 ATC and MG&E and then it was sent this year to
23 Public Service, and in fact they advised us of this
24 meeting and asked us to come and enter it into the
25 record.

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1 I guess just in conclusion, you know, I
2 came this afternoon briefly, wasn't able to stay, so
3 I was able to hear a few of the comments from the
4 Hillside Heights subdivision and know that there are
5 people that are immediately impacted not just by the
6 transmission lines as we would be but by the
7 substation. So I guess to go through briefly, I
8 think the need for these substations, I've heard
9 different answers from different people as I've
10 attended some of these open houses and I guess I am
11 still not convinced as this letter originally stated
12 that we've got a really good comprehensive study
13 here. And so I don't believe that we're carefully
14 researching in an objective way where we ought to be
15 running these transmission lines. And again, there
16 are obviously a lot of factors that enter into it,
17 but the due diligence is definitely lacking in my
18 mind and I think a lot of people's in our
19 neighborhood.

20 The option to run down Verona Road was
21 brought up, in fact, has been brought up by several
22 parties, but I had an engineer mention it to me at
23 the last open house meeting, an ATC engineer saying
24 that his thinking was that the reason that that
25 hadn't been looked at more closely was because it

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1 was a potential wetlands issue and that the DNR
2 would be their main opponent which makes sense to me
3 if I'm a business trying to get something done, I'm
4 looking for the path of least resistance and so far
5 from what I've seen the ATC is very good at public
6 relations and sponsoring events and trying to reach
7 out to the public telling us they're going to help
8 us keep our lights on and in fact they're using our
9 own money to market to us, which is a little
10 disappointing. And instead of trying to divide and
11 conquer amongst the citizens, it would be nice if
12 they would look at probably the paths that make the
13 most sense, such as down a main corridor like Verona
14 Road.

15 So I guess that brings me to another issue
16 and that's really the wrong pecking order. I've
17 been told many times that the pecking order for
18 desirable routes is existing right-of-ways, then
19 defaulting to paths such as the Badger Trail and
20 then finally and lastly green space and open
21 corridors, agricultural land. And as it was
22 explained in the letter, that seems to be kind of
23 the wrong way to go about this because the folks
24 that are already living in the impact areas are the
25 ones who have had no voice in whether or not that

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1 power line goes in there. And in fact if you came
2 in after the fact and those lines were coming across
3 a development or a farm you'd at least have the
4 option to choose whether you want to live there.
5 Whereas that's not open to those who are already
6 living there, as one lady said from Hillside
7 Heights, for 18 years and she's going to have no
8 choice in the matter.

9 Finally, I guess, you know, I mentioned
10 the ATC before. We might have some bigger issues in
11 terms of the way the ATC was formed in the first
12 place. Being a for-profit entity, it seems to me,
13 I'm a businessman, the only way that they're going
14 to improve their bottom line, which I understand is
15 it's kind of a guaranteed 12 to 13 percent, seems to
16 be by running new power lines and then using them to
17 send the power all around and it seems to me that's
18 how they get compensated. So if like most
19 businesses they're beholden to their shareholders
20 and the bottom line is at issue here, we have a
21 little bit of a built-in conflict here for some
22 entity that's also, you know, got a monopolistic
23 opportunity here to tell us, you know, that this is
24 what we need. And I'm not sure where we go with
25 that because it's a fundamental issue. But I

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1 appreciate the opportunity to be heard and thank you
2 very much.

3 EXAMINER MARION: Thank you, Mr. Hartmann.

4 (Witness excused at this time.)

5 EXAMINER MARION: Rebecca Russell. Is
6 Ms. Russell present? (No response.) I don't
7 believe I have any more slips unless some are coming
8 in now. Is there anyone present in the hearing room
9 who would like to testify? Take your time.

10 ROBERT E. DUBEAU, PUBLIC WITNESS, DULY SWORN

11 DIRECT TESTIMONIAL STATEMENT

12 BY MR. DUBEAU: I'd like to start -- I'm
13 Robert Dubeau, 2370 Kathleen Street, Hillside
14 Heights, Fitchburg. And I've lived at my residence
15 for 18 years with my family. Also spent a couple of
16 years at Tower Hill.

17 But I'm here to register my opinion to the
18 opposition to the building of the ATC proposed Oak
19 Ridge station at the intersection or nearby to Fish
20 Hatchery Road and the corner of Irish Lane. During
21 the past year, I've submitted comments to the PSC
22 web site consistent with my statement tonight.

23 I only support the ad hoc committee's
24 recommendation to site the substation on the city
25 owned property as the best of three bad options.

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1 Those were dictated to us by the ATC and the mayor
2 of Fitchburg because those were told to us that
3 those were our only options. Those aren't our only
4 options.

5 Why they have a power line stretching
6 right across from Seminole Highway to Fish Hatchery
7 Road and you can't tap onto that somewhere along
8 that line -- that's a mile and a half to two
9 miles -- is unbelievable to me. Why they would want
10 to stick the substation by ATC in a neighborhood of
11 Hillside Heights, a sleepy little neighborhood on
12 the fringe of the city where our city is. I mean
13 why stick it where people have to see it coming and
14 going every single day. And not only that, it's not
15 only seeing it coming and going is seeing it out
16 your back window or out your front window.

17 All three substation locations proposed by
18 the ATC negatively impacts the Hillside Heights
19 neighborhood. No question. The substation would be
20 a definite eyesore that I do not want to see coming
21 and going every day. I just don't want to see it.
22 Nobody wants it in their backyard, but we got more
23 reasons for that. Others in the neighborhood would
24 see the structure from their homes and many worry
25 about the health effects. I just heard a few

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1 minutes ago about a fellow talking about dirty
2 electricity, and he's talking about EMF.

3 If there are articles in science and the
4 industry of the cell phones right now are telling
5 folks that if you hold a phone to the side of your
6 head, that you can create cancer from the effects of
7 electricity, and it would be EMF or another name
8 similar to it, why wouldn't it be conceivable to
9 have thousands and thousands of volts hovering over
10 you within a few feet, why wouldn't that cause
11 cancer.

12 Now, there is a lot of unknowns that a lot
13 of us don't know about. Where is this -- all this
14 cancer coming from. Where is this breast cancer
15 coming from. Why did my mom and dad have to die
16 from cancer. We don't know if it's coming from the
17 food, the treatment of the food, or we don't know if
18 it's coming from our electricity. And I got
19 suspicious. I say to the ATC prove that it doesn't
20 cause cancer, not that we have to prove that it
21 does. How are we as individual homeowners and
22 families going to do that sort of thing when they
23 have millions and millions of dollars at their
24 disposal to investigate the possibilities here. Why
25 do other countries in the world and in Europe in

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1 particular reuse the neutral electricity and send it
2 back to the power plant to be recirculated in the
3 system. Why do we have to keep delivering it,
4 delivering it, delivering it, and delivering it and
5 paying every time we dump electricity when it comes
6 to our homes. That neutral, and it goes right
7 alongside the ground, right in the ground. Why do
8 cows have to dance at farm fields on the farms. You
9 can -- there is evidence of that, there is pictures
10 of that. I've seen it myself where cows are dancing
11 from one leg to the other because they're being
12 charged with electricity. Unbelievable. How can we
13 ignore those things.

14 Why does the ATC have a booklet that
15 designs electric systems to bring power into the
16 different communities and then say if we want to
17 investigate that booklet and look at it, we can have
18 it but we have to buy it and it's \$25,000. Why do
19 they say that. When a booklet like that maybe costs
20 5 bucks or 15 bucks if it was available in the
21 library. And if it's available in the library it
22 should be for free, not \$25,000. I've seen that in
23 writing also.

24 July 20th -- I'm sorry you have to hear
25 this, Your Honor, I apologize. July 20th, 2007, Jay

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1 Allen of the Fitchburg Common Council submitted a
2 paper entitled comments and proposal regarding
3 docket 137-CE-146, that's the docket for our area at
4 Hillside Heights, to the PSC. And the PSC reference
5 number to that docket is 79227. I agree with Jay's
6 comments as well as his proposal to separate the
7 substation project into two parts. And -- because
8 it's too big, it's much too big to put in our area.
9 Let's break it up and put it on their own land.

10 The power that's needed is being created
11 from that Burby plant (phonetic) at Fitchburg
12 Industrial Park. They can hide it, they can deny
13 it, but it's true. They want power as close to that
14 plant as possible, it's a data processing plant. If
15 we took all the light bulbs in Fitchburg and all the
16 outlets in Fitchburg it would not total what that
17 plant is going to use in power. So there is a need
18 there for that power. That's why they want the
19 substation nearby. Why don't they put it right next
20 to their own plant. Why don't they put it up
21 against -- up on Quarry Hill right against that new
22 building that's being built right now. Why would
23 they even think that we would want it in our sleepy
24 little neighborhood at Hillside Heights. Not too
25 far from here.

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1 The building of the MG&E portion of the
2 substation in the Fitchburg Technology Campus near
3 the Burby's new plant would require solid walls to
4 be built on all four sides of the substation
5 according to architectural standards for the campus.
6 It means it's going to be beautified, it's going to
7 look nice, it's not going to offend anybody, and the
8 power will be right there where it's needed. They
9 need a backup service, it's a great opportunity for
10 Fitchburg to have industry come. But, you know,
11 it's got to be done right too. It shouldn't be
12 punishing people in other neighborhoods to support
13 that. We gain nothing from it. Zero. We gain
14 absolutely nothing.

15 This site also places the substation one
16 mile closer to the proposed growth in Fitchburg
17 which is going to be northeast of here. It's not
18 going to be in the corn field down by the proposed
19 ATC substation in Fitchburg at Irish Lane. It's
20 just not going to be there. And if it's going to be
21 there, it belongs out in the middle of that field
22 dug in a deep hole in the ground so nobody has to
23 look at it. Or suffer the consequences from it from
24 cancer. I'm scared to death of cancer. If you
25 don't believe that really people have cancer, go up

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1 to St. Mary's, go up on their cancer ward and see
2 those people dying day after day. What causes it.
3 We have to look into the evidence of what causes it.
4 And it has to be something like an EMF electricity
5 and it has to be something like the chemicals we
6 spray on our food, whether it's corn or cranberries
7 or vegetables or tomatoes or whatever it is, we've
8 got to find out. That's another matter, I
9 understand that. But if we could control something,
10 and we got an opportunity to control this thing
11 here, is the ATC and their direction where they're
12 going dictating to us what we have to do. I don't
13 think it's right at all. I don't know why they have
14 much power. That power should be taken away from
15 them and it should be brought back to the people and
16 it should be the people that decide where this power
17 line goes, not ATC.

18 I support using the existing Fitchburg
19 substation at McKee Road at this point from which
20 the ATC transmission line and the additional
21 substation that ATC wants on property that's already
22 available and made available by MG&E. It's there
23 right now. All they have to do is use it. It's
24 closer to Verona and it also makes available to run
25 the power lines in the ground to that substation

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1 that Verona has.

2 In this paper, Jay discusses the
3 undergrounding of these lines as consistent with the
4 previous City of Fitchburg actions. It's in the
5 plans. It's in the future for Fitchburg to do this
6 kind of thing. All these other neighborhoods also
7 that I've noticed, all these new neighborhoods are
8 getting underground power. Fitchburg and --
9 Hillside Heights doesn't, and yet they want to put a
10 substation and have these humongous poles towering
11 over us. We're about the only community in
12 Fitchburg that doesn't have exposed power lines
13 above us hanging over our heads.

14 Jay's proposal makes a lot of sense to me.
15 It's also consistent with the city's 50 year growth
16 plan. The power from this substation will not
17 benefit Hillside Heights. It's not going to benefit
18 us at all. It's just to connect two grids. It's
19 just to create a connection for the system in ATC's
20 mind, it's -- ATC can work with these other electric
21 companies also. They're owned by them, why can't
22 they do that. They can do that.

23 The power lines from the substation will
24 not benefit Hillside Heights neighborhood and it
25 should be placed where the power is needed,

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1 underneath the Burby plant. It should be placed
2 over on Verona Road and the power lines should be
3 undergrounded which the city has agreed to support
4 and with some TIF fund money to get those cables
5 underground properly and get them directed so the
6 job doesn't have to get done twice, over and over
7 again, and run them down to that substation in
8 Verona.

9 I ask that the proposal submitted by Jay
10 Allen be given very serious consideration because
11 he's given us a direction, he's given us not only a
12 direction, a solution. And a good solution, a
13 solution that Quarry Hill, Hillside Heights or
14 Byrnewood all appreciate and can appreciate that we
15 get the substation and these towering power lines
16 out of our neighborhood.

17 I really close on this. I thank you very
18 much for the time, and I'm sorry for my voice.

19 EXAMINER MARION: Thank you very much,
20 Mr. Dubeau.

21 (Witness excused at this time.)

22 EXAMINER MARION: Steve Arnold, please.

23 STEVE ARNOLD, PUBLIC WITNESS, DULY SWORN

24 MR. ARNOLD: I have a written copy of my
25 testimony. Would you like it?

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1 EXAMINER MARION: Yes.

2 MR. ARNOLD: I can also provide it
3 electronically.

4 EXAMINER MARION: This is fine.

5 MR. ARNOLD: Thank you.

6 DIRECT TESTIMONIAL STATEMENT

7 BY MR. ARNOLD: Good evening. Fitchburg
8 has two alders for each of its four districts. With
9 Jay Allen, I represent District 4 in which the
10 proposed Oak Ridge substation would be sited and
11 through which the proposed 138 kilovolt power line,
12 the Fitchburg to Verona transmission line, would be
13 constructed. District 4 also includes the MG&E
14 substation site proposed by Alder Allen and the
15 transmission route between the Fitchburg and Verona
16 substations proposed by Alder Allen.

17 I've served on the Fitchburg Common
18 Council since April 2005 and fully participated in
19 the discussion of the Oak Ridge substation since it
20 was first proposed by MG&E. I serve on the
21 Fitchburg Transportation and Transit Commission and
22 am intimately familiar with Fitchburg's long-term
23 planning process. At my instigation, Fitchburg's
24 mayor, Tom Clauder, established the ad hoc committee
25 on substation facility planning, hereinafter the ad

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1 hoc committee, on which I served as vice chair.
2 With Alder Allen I am the co-author of Council
3 Resolution R-49-07.

4 This evening I would like to make four
5 points and refute several statements made by ATC
6 employee Sarah Justus and MG&E employee Mark Weires.
7 The points are, one, the process that led to the
8 proposed substation sites and transmission routes
9 are substantially flawed and led to a flawed result.
10 Two, Alder Allen's alternative proposal would be a
11 better solution than ATC's proposal and has
12 substantial local government and public support in
13 Fitchburg. Three, the Fitchburg city government
14 prefers the old city hall site for Oak Ridge
15 substation only over the North Parish Gardens site
16 owned by ATC. And four, Fitchburg has made
17 substantial investments and future commitments to
18 bury existing transmission and distribution lines in
19 the city, and no new overhead transmission or
20 distribution lines should run along thoroughfares in
21 or near the city's urban service area.

22 To the first point. ATC changed one end
23 point of the Fitchburg Montrose 138 kilovolt project
24 to Verona late in its public outreach process when
25 it reduced the number of transmission corridors to

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1 two from three. Given the previously announced set
2 of corridor possibilities, South Fish Hatchery Road,
3 Caine Road and the Badger State Trail, imagine the
4 shock of Fitchburg public city staff and elected
5 officials when ATC chose Adams and Whalen Roads.

6 We protested at the time, but to no avail.
7 ATC contends that the route selection process must
8 be restarted from the beginning if we are to propose
9 another route such as the Verona Road corridor. Why
10 then were they able to change the scope of the
11 project from Montrose to Verona without restarting
12 it. The answer of course is that ATC owns the
13 process and can manage it anyway it sees fit so long
14 as the statutory requirements are met.
15 Nevertheless, to abuse the public in this way by
16 excluding viable and to us preferable corridors from
17 ATC's outreach efforts and consideration has
18 predictably led to a suboptimal result.

19 Point two, there is a better proposal.
20 Fortunately, Alder Allen and others have worked hard
21 to develop other proposals. By now, you know its
22 essential features well. A new distribution
23 station, substation in the Fitchburg Technology
24 Campus to provide power for a growing Fitchburg and
25 a transmission line between the existing Fitchburg

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1 and Verona substations to satisfy the needs in
2 Verona and points south. Much outreach has already
3 been done for the Fitchburg substation and while
4 there are those that would object to every proposal,
5 Fitchburg is eager to work with MG&E and the Public
6 Service Commission to complete the public dialogue
7 and get the project built. Jay's plan has the
8 advantage that it's well coordinated with our future
9 long term development plans for the city.

10 In Sarah Justus's rebuttal testimony of
11 September 17th, she disparages Alder Allen's
12 outreach efforts as incomplete. Jay is a small
13 business owner with a family and dozens of urgent
14 city issues to handle in his role as an alder. He
15 volunteers enough hours for civic causes to make a
16 full-time job for most people. Sarah by contrast
17 works full time on just these issues with unlimited
18 resources provided by ratepayers. Jay should have
19 our gratitude and admiration for his efforts against
20 huge odds.

21 Point three, a real choice. ATC's public
22 outreach process offered three, quote, choices for
23 the site of the Oak Ridge substation. One they
24 owned and two belonging to landowners they said were
25 unwilling to sell, all adjacent to the intersection

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1 of Irish Lane and South Fish Hatchery Road. ATC
2 should really have looked at all the possibilities
3 for tapping into the existing 138 kilovolt line for
4 the Verona/Belleville area and MG&E should have
5 independently worked with Fitchburg to find a site
6 to energize Fitchburg's future development areas.

7 Sarah Justus in her testimony on September
8 17th stated that the ad hoc committee was not
9 limited to considering only the three substations
10 proposed by ATC. She is correct that the ad hoc
11 committee discussed other sites. But the urging of
12 the mayor and me, we agreed as a group early in our
13 deliberations to make a recommendation to the Common
14 Council only among these three sites. We were
15 concerned that if we didn't focus our efforts we
16 would not be able to fully develop an alternate
17 proposal in time to affect ATC's recommendation to
18 the PSC. It was always our understanding and indeed
19 our hope that others would continue to search for
20 better alternatives, both by looking for alternative
21 routes and by having further discussions with
22 landowners.

23 Mike Weires of MG&E in his rebuttal
24 testimony of September 17th also seemed to be
25 confused about the purpose of our Resolution

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1 R-49-07. The council is ranking a better option,
2 that is a better option than the three proposed by
3 ATC, above the old city hall site and ranking the
4 old city hall site above the North Parish Gardens
5 site. We did not agree to sell the site if it is
6 needed. Rather we prefer to sell the site if the
7 PSC does not grant our request for a separation of
8 the projects and more study. But I am before you
9 this evening representing my constituents and Jay
10 Allen's to request that you not force the city to
11 accept one of the three sites in the ATC
12 application.

13 The main objective of the ad hoc committee
14 was to find a better alternative than the North
15 Parish Gardens site which ATC had already purchased.
16 North Parish Gardens is a busy intersection at the
17 geographical center of the city and forms the
18 northern view scape for the Hillside Heights
19 neighborhood. It should be developed as a city
20 amenity such as part of the proposed Moraine Edge
21 Park, a community garden, or as future conditions
22 that is beyond 50 years permit development a
23 prominent civic building or a lively commercial
24 center.

25 The ad hoc committee included

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1 representatives from other neighborhoods potentially
2 affected by a future Oak Ridge substation so as to
3 build a citywide consensus. We are very aware of
4 how ATC's process has the effect of pitting
5 residents of different areas against each other. We
6 feel that the ad hoc committee was successful since
7 now we are discussing the old city hall site as
8 ATC's proposed site. I am grateful for Alder
9 Allen's hard work with the Fitchburg Technology
10 Campus and its neighbors to more fully develop that
11 proposal in parallel with our efforts.

12 Fourth point. New lines must be
13 underground. The City of Fitchburg has an
14 aggressive program for beautifying the city by
15 burying electric power lines along our urban
16 roadways. On your way here this evening you may
17 have noticed the evidence of one such project,
18 burying distribution lines between Greenway Cross
19 and Post Road along Fish Hatchery Road. Only a year
20 ago were the distribution lines in front of this
21 building buried at the city's expense. Our largest
22 transmission line project was along McKee Road
23 between the Fitchburg substation and Fish Hatchery
24 Road.

25 Sarah Justus's statement that only 14

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1 percent of our transmission lines are buried should
2 be turned on its head. It's remarkable that we have
3 been able to bury so much of our urban power
4 infrastructure in the short time that Fitchburg has
5 been a city. We are not proposing that rural
6 transmission lines be buried. If the PSC approves
7 the Oak Ridge substation at the old city hall site,
8 the city has asked that the tap be run overhead away
9 from South Fish Hatchery Road along a quarter
10 section line south of the water tower in Byrnewood.
11 The city has agreed to grant the needed easement
12 along its own property. If the tap must run along
13 Fish Hatchery Road between the existing 138 kilovolt
14 lines and the substation, it must be underground to
15 be consistent with our policy and investments
16 throughout the city.

17 So here is what we would like the PSC to
18 do. On behalf of my constituents, I ask the PSC to
19 take several steps. Number one, allow MG&E to work
20 with the City of Fitchburg to find a substation site
21 that will efficiently serve our developing committee
22 without conflicting with our land use plans. For
23 our part, that is speaking for the Common Council,
24 we will work hard to get the project permitted and
25 built in the time needed to meet the acute need.

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1 Two, demand that ATC do the outreach and
2 study that it should have already done on the proper
3 point to tap the existing 138 kilovolt lines to
4 serve the Verona substation and the corridors that
5 connect it. Certainly the Fitchburg substation and
6 the Verona Road corridor deserve more than the
7 summary rejection they have received so far.

8 And three, honor and protect the
9 investments Fitchburg has already made in putting
10 electric infrastructure underground by requiring ATC
11 to either run its new facilities underground along
12 our urban roadways or move them back from the public
13 to overland routes.

14 And adding to my written testimony, I
15 would remind you that the City of Fitchburg has made
16 a multi-million commitment to help pay for that.

17 With good faith and cooperation, I believe
18 that ATC, MG&E, the elected officials, staff and
19 citizens of the City of Fitchburg can together reach
20 a better result than is currently offered in the ATC
21 application, both meeting the needs for electric
22 power, preserving the investment that Fitchburg has
23 made in developing its infrastructure and in
24 following the plans and policies of the city. Thank
25 you for considering these requests.

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1 EXAMINER MARION: Thank you very much,
2 Alder Arnold. Thank you for the use of the council
3 chambers as well.

4 MR. ARNOLD: You're welcome. It wasn't up
5 to me.

6 (Witness excused at this time.)

7 EXAMINER MARION: Mr. Brian Ast, please.

8 BRIAN AST, PUBLIC WITNESS, DULY SWORN

9 DIRECT TESTIMONIAL STATEMENT

10 BY MR. AST: Thanks, Judge. As you've
11 heard from a lot of intelligent people tonight, they
12 expressed a lot of great points. I hope to maybe
13 just touch on a couple. I haven't really touched up
14 on this lately. I've been fighting it for over two
15 and a half years now.

16 But you know, I guess my first point is
17 I'm against this project in a lot of aspects. You
18 know, I guess I'll just start with my points. You
19 know, the original scope was a substation around
20 this area and the 138 kV line from here to Montrose.
21 And, you know, somewhere through the years that
22 changed to Verona. Now I can pinpoint it a little
23 bit more because I was following it more then. ATC
24 sort of published that to their web site really
25 silently, because I watched the maps and things like

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1 that, about mid May 2006 I do believe it was. You
2 know, and then they had an open house in late June
3 of 2006 where they sort of formally announced the
4 scope change.

5 Now, you know, one endpoint that has got
6 to constitute at least a 50 percent scope change.
7 So you know, but they didn't really look into any
8 existing corridors that they previously ruled out.
9 You know, so that's a little disconcerting to me. I
10 mean they just sort of said, okay, well, we've
11 changed exactly where we're going to, we're starting
12 from the same spot, but we changed it. It's a
13 pretty big change, I don't know how offhand, but I'd
14 have to say about 15 miles, 20 miles. And to me at
15 least they should look at some of the routes they
16 ruled out previously.

17 Not to mention I saw, you know, seeing
18 back the original maps, you know, there was a really
19 big sort of shaded area for the substation initially
20 which encompassed all the way over to -- I forget
21 the road actually right now, but it's one over. But
22 just a big area, probably I'd say about 500 acres or
23 so at least. And it just progressively swallowed
24 down into the corner of Irish Lane and Fish Hatchery
25 or basically three adjacent sites. Just seems a

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1 little weird there.

2 You know, also I guess I'd like to
3 address, you know, what I've considered a lack of
4 effort in some respects on Fitchburg over the last
5 two and a half years to actually proactively address
6 this issue. You know, Jay Allen, the people have
7 said before, I mean he's done more in six months
8 than the mayor's done in over two years. You know,
9 there is, you know, the ad hoc committee, it was --
10 it was sort of forced to be set up. I don't think
11 it was the mayor's initiative, that's for sure. And
12 it seemed like their scope of that, I attended a lot
13 of the meetings as a resident, their scope was
14 limited to three -- pick the best out of the three
15 worst sites that could be for our neighborhood.

16 You know, one of the persons actually on
17 the committee too, there was one question about the
18 route going whether it be Adams Road or -- but
19 anyway, she had a farm out in Verona and she sort of
20 was referencing that. I'm like, well, that doesn't
21 seem quite right being on a Fitchburg subcommittee,
22 I mean she has a house here and she was representing
23 the Byrnewood neighborhood. But that just doesn't
24 seem right if you're talking about your Verona
25 property when you're on the Fitchburg committee.

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1 So I mean there was a lot of little
2 discrepancies there. You know, ATC came in, sort of
3 did their dog and pony show I call it. It was very
4 limited in the scope, they couldn't think about
5 anything other than the three sites. So there is
6 just questions about, you know, secret meetings that
7 the mayor has had with ATC an hour before like a
8 meeting with Jay Allen and other people, other city
9 committee meetings before the ad hoc meetings too.
10 That just doesn't sit with me quite frankly.

11 So, you know, there is also the control --
12 originally this was just an MG&E distribution
13 substation. And you know, they had an open house
14 meeting right here in front of the city council I do
15 believe or a lot of them that were present, when
16 MG&E came in with their big proposal. And at that
17 point it was like, okay, they're right next to the
18 Byrnewood neighborhood and it was, you know,
19 vehemently opposed, let's just put it that way. And
20 the mayor even quoted that it's not going to be next
21 to Byrnewood. You know. But that's fine because it
22 was under local control then. So Fitchburg had a
23 say.

24 But at some point through that process it
25 switched to be a distribution and transmission

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1 substation. But the problem I have with that is
2 there was zero notification to any of the
3 surrounding neighborhoods, either through ATC saying
4 that, you know, that scope's changed, we're now
5 including that or through, you know, Fitchburg, the
6 City of Fitchburg actually saying that, hey, we're
7 losing control because once it's a transmission
8 substation, you know, Fitchburg lost local control,
9 like I say, and you guys decide. And I feel
10 Fitchburg should have a right because this is a
11 permanent structure on one of our main arteries or
12 quite near one of our main arteries.

13 So to me it seems like there is a lot of
14 options. You know, I could get into obviously a
15 whole bunch of the, you know, the EI study is based
16 on unprecedented growth from the past years and how
17 housing markets slowed down and things like that.
18 But -- EMF, things like that. But the other option
19 to me is like we're living in 2007, it's not 1957 or
20 1907. We don't have open dumps anymore. We should
21 really consider every option possible before we
22 build transmission lines, you know. That's -- there
23 is better wire out there for transmission lines,
24 they get about three times the capacity, you know.

25 I didn't even know this, but MG&E does

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1 time-of-day rates, but you know, energy conservation
2 really doesn't seem to be practiced that much or at
3 least brought to the forefront. Direct load
4 control, you know, and if this is really for
5 Fitchburg, you know, there is local generation over
6 transmission, you know, long transmission lines that
7 will be there forever and ever. And I guess, you
8 know, there is also the aspect of the 345 which I
9 know that's not what this is about, but people
10 forget like the Waunakee, that was just their
11 transmission line. We're still a prime candidate
12 for getting the 345 through here, you know, that's
13 going through an earlier process right now.

14 But you know, it's just amazing that there
15 can be probably over 10 -- or a thousand kV
16 concentrated in one corner, you know, relatively a
17 couple blocks from our house or our neighborhood,
18 let's just put it that way. You know, and that's
19 just current or what would be near current load, not
20 necessarily future capacity too.

21 You know, I guess before I've always
22 talked about a lot of things. Now my personal
23 aspect of this. You know, we bought our place, we
24 live just down the street, real close obviously. We
25 bought it in '93. It was just a lot,

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1 second-to-the-last lot in a 30-year-old subdivision.
2 And you know, we bought it because it was a nice
3 quiet neighborhood, acre lot across from a park with
4 a pond, just a beautiful setting, southern sun,
5 southwest sun, see the sunsets. There was an
6 existing dual 138 let's say, you know, a good
7 hundred, 200 yards north of us, but you know, we
8 sort of, you know, okay, it's far enough away, we're
9 okay, you know, it's just one line out there.

10 So you know, ATC wasn't formed there. I
11 don't know if Chapter 89 was in existence then which
12 I'm sure you're familiar with selecting preferred
13 routes. But you know, we built in '98, built a real
14 nice house, angled it 10 degrees just so we can get
15 a little bit more summer sun, things like that. It
16 took a lot of effort in building that place. We
17 thought we really had something being in a real nice
18 old neighborhood, very nice neighborhood, nice
19 people, all big lots, out in the country but real
20 close to the city.

21 So you know, to me it's just absurd that
22 we are sitting here fighting now tooth and nail down
23 to the bottom of the ninth inning that, as I say,
24 over a thousand kV is two blocks away from our
25 neighborhood which has been there for 30, going on

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1 40 years now. And it just doesn't make any sense to
2 me. And we have no new growth. I mean you've heard
3 the comments I think on Fitchburg's plans for growth
4 and it's nowhere near our neighborhood. It doesn't
5 make any sense.

6 I don't know, I mean there is things that
7 I could think of, you know, it's like after, you
8 know, how it changed and things like that, you know.
9 I mean I'm an IT guy so I always think about the
10 worst things, you know, and things like that,
11 penetrations and viruses and things like that. But
12 was our neighborhood profiled or something like
13 that? You know, we don't have a neighborhood
14 association. We're made up of a real mix of younger
15 and older adults, a lot of retired people who
16 vacation away from their property, you know, up
17 north and things like that. You know, obviously the
18 open houses are always around Memorial Day, Labor
19 Day. There is a lot of things into that. But
20 the devil has hit me, of course.

21 I just -- you know, there obviously is a
22 better option and I think you've overwhelmingly
23 heard it. You know, Jay has done more in six months
24 than, as I say, Fitchburg as a whole has done in two
25 and a half years. I've been fighting for

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1 intervention since June of 2006, Common Council
2 meetings, a lot of Hillside Heights residents, Don's
3 been in a bunch of times, Rob Lawrence, I mean many,
4 many people, that's for sure. Becky, Rob, others.

5 But you know, I feel that you really need
6 to give serious consideration to the FTC site,
7 Fitchburg Technology Campus and the Verona Road.
8 You know, I think if you guys think about that and
9 obviously the needs there for the electrical which
10 nobody seems to be questioning that, that you know,
11 there is probably a deal that you can get done and
12 in a timely fashion, you know. Otherwise to me you
13 need to reject the project as a whole because it's
14 been a comedy of errors up until now, you know. And
15 I don't know, I mean as I say, you know, the scope
16 changed, you know, it doesn't make a lot of sense,
17 okay, it costs X-amount for a transmission line for
18 so many miles and if this option is X-amount shorter
19 then it's going to cost a lot less. Okay. If you
20 want to take it a step further, you need to compare
21 apples to apples and oranges to oranges. One
22 they're choosing to overhead everything, one they're
23 choosing to underground everything. And I mean you
24 don't have to be smarter than a fifth grader to
25 figure that out.

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1 But I don't know, as I say, those are my
2 comments and that's just been a very frustrating
3 process and hopefully maybe something good can come
4 of this, I don't know.

5 EXAMINER MARION: Thank you very much,
6 sir.

7 MR. AST: Thank you.

8 (Witness excused at this time.)

9 EXAMINER MARION: Marianne Daggett,
10 please.

11 MS. DAGGETT: I don't want to.

12 EXAMINER MARION: You decided not to
13 testify. That's okay. I have another Daggett, S.C.
14 Daggett. Sir.

15 S.C. DAGGETT, PUBLIC WITNESS, DULY SWORN

16 MR. DAGGETT: To my knowledge, yes.

17 EXAMINER MARION: Thank you. Please be
18 seated and proceed at your own pace.

19 DIRECT TESTIMONIAL STATEMENT

20 BY MR. DAGGETT: I think my comments today
21 are going to be a little bit more on the subjective
22 level and of how I feel, how I see things going on,
23 what I think of the process.

24 I think the Public Service Commission
25 should cancel this project and begin the process

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1 over. First of all, I don't think it's even needed.
2 I think the projected growth rate for energy
3 consumption is no longer valid. We are at the
4 beginning of a massive multi-year slowdown in
5 residential construction. The residential growth
6 rate will be far less than what is projected. Quite
7 simply, if people want to move to Wisconsin, can't
8 sell their home in New Jersey, they're not going to
9 move here. Condominiums are unsold, building
10 projects have been canceled. I think that the
11 reduced growth rate as a result of this is going to
12 trump the whole project, at least for the short
13 term.

14 We have time to do this right. ATC's
15 already weak case for growing of electricity use is
16 further invalidated by the current housing slowdown.
17 There is no imminent need for the substation. The
18 Public Service Commission should cancel this project
19 and begin the process over. Why. The entire
20 process was flawed from the beginning, and all
21 subsequent discussion is meaningless when the
22 underlying assumptions are wrong, incomplete,
23 compromised by commercial interests and unwanted by
24 residents of the area. ATC has disenfranchised the
25 residents of Fitchburg and anyone in Dane County

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1 that will be affected by this flawed proposal.

2 Substations should not be located in a
3 residential neighborhood. It should be located at
4 the Fitchburg Technology Park. The EMF radiation
5 from the substation and associated lines present a
6 clear health hazard to the children and adults from
7 nearby neighborhoods. There has been little serious
8 consideration for the Fitchburg Technology Park
9 location. I ask myself why. ATC purchased the land
10 known as Parish Gardens in advance of the regulatory
11 approval and then suggests that the very same site
12 is the best location.

13 I sometimes wonder if anybody really sees
14 the absurdity of this. You know, am I in some kind
15 of existential nightmare here? Is this really
16 happening? ATC purchases land in advance and then
17 resists consideration of other sites? There is
18 something wrong with this picture. And I'll tell
19 you what's wrong. The substation site is wrong.
20 The routing of the lines is wrong. ATC does not
21 care what is right. ATC refuses to consider any of
22 the volumes of public dissent expressed for this
23 project.

24 The PSC needs to wake up and listen to
25 these objections. This is not NIMBY. This is

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1 common sense. What's wrong with this picture? Does
2 it take a genius to figure it out? I suggest not.
3 I suggest it's very simple. Anyone can see that ATC
4 has no interest in doing what is right. Once they
5 purchased the land why should they consider anything
6 else.

7 The Public Service Commission should stop
8 this process and demand an honest evaluation of
9 potential sites. The PSC should not accept such a
10 flawed and self-serving proposal from ATC. The
11 Fitchburg comprehensive plan requires development to
12 basically be toward the north and east. ATC
13 proposes the substation to be sited south and west.
14 So I ask you why site a substation in the exact
15 opposition direction of future demand and in a
16 residential neighborhood when the technology park is
17 at the very epicenter of development.

18 Why run high voltage lines through a
19 residential neighborhood when a commercial corridor
20 such as Verona Road is readily available. Can the
21 PSC, can you see what's wrong with this picture? Do
22 you care? Do you really want the public to think
23 you are in ATC's pocket? Are you truly the guardian
24 of public interest, public safety? Are you
25 proponents of responsible infrastructure decisions?

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1 Do your job, please. Do the right thing,
2 refuse to put a substation in a residential
3 neighborhood. Do the right thing, run transmission
4 lines down commercial corridors, not through
5 residential neighborhoods. Do the right thing, open
6 a truly comprehensive study of the needs of the
7 county and its residents. Do the right thing, don't
8 accept flawed proposals by ATC. Commission an
9 honest evaluation of potential sites.

10 This substation and associated power lines
11 will be with us for a very, very long time with no
12 chance to turn back. You have one chance to do it
13 right. Do what the citizens are asking. Realize
14 that growth rates are slowing and will be for years.
15 Understand there is no hurry for this. Do the right
16 thing, cancel this project and insist on a
17 comprehensive evaluation of both projected
18 electricity needs and substation placement
19 alternatives. Thank you.

20 EXAMINER MARION: Thank you, Mr. Daggett.

21 (Witness excused at this time.)

22 EXAMINER MARION: John Darling.

23 JOHN DARLING, PUBLIC WITNESS, DULY SWORN

24 DIRECT TESTIMONIAL STATEMENT

25 BY MR. DARLING: I appreciate the

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1 opportunity to express some brief thoughts here. I
2 have filed this on line with the Commission, but I
3 just wanted to take the opportunity to speak tonight
4 as well.

5 First of all, basically in light of the
6 fact that electrical energy radiating from the new
7 138 kV transmission line and new Oak Ridge
8 substation will most likely be injurious to human
9 health, of children in particular, I believe it
10 would be unforgivable and certainly not in good
11 conscience to locate these facilities at any of the
12 alternative locations other than those most removed
13 from existing dwellings. There can be no
14 justification for doing otherwise. Thank you.

15 EXAMINER MARION: Thank you, sir.

16 (Witness excused at this time.)

17 EXAMINER MARION: Susan Michetti.

18 SUSAN MICHETTI, PUBLIC WITNESS, DULY SWORN

19 MS. MICHETTI: Yes, to the best of my
20 knowledge.

21 EXAMINER MARION: Please be seated and
22 proceed.

23 DIRECT TESTIMONIAL STATEMENT

24 BY MS. MICHETTI: Thank you. Basically I
25 believe that this project needs to be canceled and

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1 started again. There are those that want to make
2 this a NIMBY issue, but there are some very rational
3 reasons it needs to be restarted.

4 The process that formed ATC was subverted
5 away from its original intention of being a
6 nonprofit, and it was done without public local
7 hearings in affected areas. I think we need to
8 revisit democratic principles and constitutional
9 values. You know, there are things where we have a
10 right to determination, self-determination, and that
11 means being able to make decisions at the local
12 level that somehow have been subverted by complex,
13 bureaucratic, political issues.

14 As a citizen, I feel my local government
15 and my ability for meaningful input into the process
16 has become too limited to maintain my local values.
17 And my local values are things like health concerns
18 of EMF, serious health concerns that I see supported
19 by scientific research. There is also other issues,
20 aesthetic concerns, technology choices, global
21 warming concerns, other alternative options that
22 have not been remotely considered. Future optional
23 alternative options that are under development right
24 now that haven't come out yet. There are all kinds
25 of things that are coming out to deal with global

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1 warming that we haven't -- that are not on the table
2 here.

3 And the cost to the public of a utility,
4 because my values say that utilities should remain
5 in the public domain. And to me this is a
6 subversion of local decision making and it's
7 irresponsible and it's irrational, and I question
8 its legality on a constitutional level even if other
9 people think it's correct.

10 I do know that EMFT does cause cancer and
11 it affects the rate of bone healing and it is --
12 there has been -- it points to other health impacts.
13 I know that medical researchers want to do advanced
14 studies to conclusively show medical effects of
15 transmission lines, but there was political leverage
16 that interfered with what the scientific research
17 was allowed to do at the decision making ability,
18 including that decided by the government in this
19 country.

20 The scientists in this country know that
21 research has become decided by the funders rather
22 than by the scientific process. There is still
23 research that has went through the process that does
24 show that EMF has effects. But there was a lot more
25 research that wanted to be done that was stopped.

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1 And the scientific community knows this,
2 people that want to go into science knows that,
3 Forbes Life writes in their recent magazine article
4 where our country's in economic straits we're going
5 to go down the tubes economically, we're not going
6 to be viable anymore because nobody is going into
7 the sciences in the United States, the foreigners
8 are all taking over the sciences and we're not going
9 to be able to maintain our economic standing. And
10 that's just a couple months ago.

11 Well, to me it's clear because the
12 scientific standing has been altered by the funders.
13 The conclusions that people get from their studies
14 has been told to be removed from their studies.
15 There are a lot of questions. So when you do read
16 studies that have come from other nations and you do
17 read studies that have been out there and the
18 scientific process has been found, I'd pay very
19 close attention to it. Thank you.

20 EXAMINER MARION: Thank you very much.

21 (Witness excused at this time.)

22 EXAMINER MARION: I do have slips from
23 three other witnesses. But I would like to take a
24 ten-minute recess at this time. So I'd ask anyone
25 who was thinking about whether they wanted to

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1 testify, if they were undecided, to try to make that
2 decision if possible. So we'll be adjourned for
3 about ten minutes.

4 (Recess from 8:10 to 8:20 p.m.)

5 EXAMINER MARION: Okay. We're back in
6 session. I'll call on Sean Doyle, please.

7 SEAN DOYLE, PUBLIC WITNESS, DULY SWORN

8 DIRECT TESTIMONIAL STATEMENT

9 BY MR. DOYLE: Thank you for the
10 opportunity to allowing us to be here today. As
11 indicated, my name is Sean Doyle. I reside in the
12 Hillside Heights neighborhood adjacent to the Oak
13 Ridge substation sites.

14 I'm a member of the Hillside Heights
15 Neighborhood Association and attended all of the
16 City of Fitchburg ad hoc committee meetings
17 regarding the ATC Oak Ridge substation proposals. I
18 have also attended each local ATC open house dating
19 back to the summer of 2005, evidenced by these shiny
20 ATC packets next to my hand.

21 In the summer of 2005, the original
22 project for this area was called the Montrose to
23 Fitchburg electric system upgrade and was to connect
24 a new substation near Montrose and a new substation
25 in the Fitchburg area near the intersection of Fish

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1 Hatchery Road and Irish Lane, or that vicinity. By
2 the spring of 2006 the project scope, direction and
3 cost had changed completely and was now called the
4 Fitchburg to Verona electric system upgrade
5 connecting the existing Verona substation to a new
6 substation in the Fitchburg area with slightly clear
7 and defined substation sites all located on the
8 corner or intersection of Fish Hatchery Road and
9 Irish Lane.

10 These three sites simply do not provide
11 any alternatives as ATC indicates. All three sites
12 are within one block of one another on the same
13 intersection. At the ATC open houses, ATC and MG&E
14 cited the need for Fitchburg substations by
15 indicating their future growth projections for
16 southern Dane County which have recently been
17 reconsidered. And also the exponential future
18 growth directly in the vicinity of the proposed
19 substation sites at the intersection of Fish
20 Hatchery Road and Irish Lane.

21 Based on the recent comprehensive land use
22 plan for the City of Fitchburg, there will be no
23 future growth in the direct vicinity of the
24 intersection for decades to come. If ATC and MG&E
25 are basing their requirements for this substation on

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1 flawed and unrealistic growth patterns, why should
2 we as a neighborhood and citizens and ratepayers
3 have to bear the burden of this project without any
4 alterations or revisions to this application or
5 docket.

6 Secondly, these locations do not provide
7 any alternative sites as ATC indicates. And this is
8 simply not an alternative as indicated. The demand
9 for the energy they indicate is needed to keep the
10 lights on is non-existent in the direct vicinity or
11 area of these proposed substations. Last fall the
12 ATC substation ad hoc committee and more recently
13 our alderman, Jay Allen, proposed placing the
14 substation and MG&E distribution facility in the
15 Fitchburg Technology Campus and running the
16 transmission lines down a major transportation
17 thoroughfare of Verona Road and Highway 151. The
18 city council and the planning commission have also
19 since approved this proposal.

20 With all the flawed data and projections
21 ATC has already provided, I believe that the
22 Commission should seriously consider denying the
23 current application and start over to account for
24 the solution proposed by our neighborhood and the
25 City of Fitchburg and its representatives.

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1 The FTC is a commercial setting more
2 suited for a facility of this nature and Verona
3 Road/Highway 151 provides a shorter route for the
4 transmission lines in a more commercial
5 thoroughfare. As well the City of Fitchburg has
6 also approved \$6 million of TIF funding to
7 underground the lines in the City of Fitchburg to
8 ease the burden of the alleged additional cost of
9 resubmitting this project in this fashion.

10 While I realize that the ATC's verbal
11 indication to the ad hoc committee was an additional
12 \$9 million of cost to run the project in this
13 fashion, it is important to note that the original
14 cost of the Montrose/Fitchburg project was projected
15 at \$16 million. That's for two new substations and
16 10 miles of transmission lines. Six months later,
17 the current Fitchburg/Verona project is projected to
18 cost \$21 million for one substation and six miles of
19 transmission lines.

20 So I don't understand how much stock we're
21 actually supposed to put in the projections and
22 estimates offered by ATC, and I'm not sure how much
23 the PSC can offer either.

24 As an oversight commission to the proposed
25 projects by ATC, I sincerely hope this is questioned

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1 and scrutinized. My point is if they can change the
2 entire scope and direction of a project in a period
3 of six months from the summer of '06 to the
4 spring -- or from the summer of '05 to the spring of
5 '06, then they surely must be able to provide the
6 City of Fitchburg and its rate paying citizens the
7 opportunity to conduct a new study and provide a new
8 proposal to determine the actual need of this
9 project and if needed the feasibility of placing it
10 in a more appropriate location where it does not
11 directly and negatively impact residential
12 communities and families, and also where the growth
13 and potential future growth and need for these
14 facilities is actually occurring.

15 As the process is currently conceived and
16 submitted, it is completely broken and I ask -- and
17 I indicate that this creates an unacceptable burden
18 of disregard for the individual citizens and
19 ratepayers and the overall public interest. I ask
20 the PSC to deny the current application as it is and
21 begin a new comprehensive study for this project
22 individually. Thank you.

23 EXAMINER MARION: Thank you, Mr. Doyle.

24 (Witness excused at this time.)

25 EXAMINER MARION: Terry Carpenter.

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1 TERRY CARPENTER, PUBLIC WITNESS, DULY SWORN

2 DIRECT TESTIMONIAL STATEMENT

3 BY MS. CARPENTER: Good evening. My name
4 is Terry Carpenter, and I've lived in the Madison
5 area all my life and in Fitchburg for almost ten
6 years. I don't live in Hillside Heights or as far
7 as I know anywhere near a proposed power line. But
8 that doesn't mean I don't empathize with people who
9 live anywhere in the path of the ATC giant and are
10 simply worried about their health, their investment
11 and their neighborhood in this battle for rational,
12 reasonable solutions to difficult problems.

13 ATC has very deep pockets which we helped
14 to fill. And the rest of us have very deep concerns
15 based on both feelings and facts. I understand that
16 ATC has tried to silence citizens who dare to speak
17 out at multiple public hearings, even though ATC
18 bombards us with numerous advertisements paid for by
19 us merely to inform us, the public, that they will
20 keep our lights on.

21 I submit that losing our air conditioning
22 during those peak summer hours which -- represents
23 the only potential danger. It's the very least of
24 our worries these days.

25 So I'm here in support of the people who

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1 will be most affected by every decision the Public
2 Service Commission makes. I'm here to thank people
3 for their involvement with this convoluted and
4 secretive process. If it weren't for people in
5 harm's way taking a stand, I and many others
6 wouldn't have heard about the issue since it's not
7 very well advertised to say the least.

8 After hearing about how the suggestions of
9 the Hillside Heights neighborhood and the Fitchburg
10 city council were trampled by ATC's argument that it
11 would take too long to start a new application
12 process or cost too much to bury transmission lines,
13 I'm sorry that I didn't get involved earlier. Does
14 that mean I don't hear about the outcome? No. It
15 just means that many of us including people who are
16 not here tonight haven't yet taken the time to learn
17 the facts.

18 I recently did take the time to read a
19 book that woke me up to the health problems with
20 electromagnetic fields that people have been talking
21 about. And there are numerous scientific studies
22 that are even more compelling. I know that I may be
23 duplicating the testimony of other witnesses earlier
24 today, but I think it bears repeating.

25 I'd like to read a press release and

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1 excerpts from the conclusions from Section 17 of the
2 new bio initiative report. The report is hundreds
3 of pages long and it can be found on the internet.
4 The bio initiative report is a rationale for the
5 biologically based public exposure standard for
6 electromagnetic fields, ELF and RF.

7 The press release from August 31st of this
8 year begins the serious public health concerns
9 raised over exposure to electromagnetic fields, EMF,
10 from power lines and cell phones. An international
11 working group of scientists, researchers and public
12 health policy professionals, the bio initiative
13 working group, has released its report on
14 electromagnetic fields and health. They document
15 serious scientific concerns about current limits,
16 regulating how much EMF is allowed from power lines,
17 cell phones and many other sources of EMF exposure
18 in daily life. The report concludes the existing
19 standards for public safety are inadequate to
20 protect public health.

21 Section 17 covers key scientific evidence
22 and public health policy recommendations, and it's
23 written by Dr. Carpenter, no relation, and Ms. Sage.
24 David O. Carpenter is an M.D., he is also the
25 director of the Institute For Health and the

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1 Environment at the University of Albany New York.

2 So here are just four excerpts from the
3 conclusions from that section. We cannot afford
4 business as usual any longer. It's time that
5 planning for new power lines and for new homes,
6 schools and other habitable places around them is
7 done with routine provision for low EMF
8 environments. New regulatory limits for ELF based
9 on biologically relevant levels of ELF are
10 warranted. ELF limits should be set below those
11 exposure levels that have been linked in childhood
12 leukemia studies to increase risk of disease, plus
13 an additional safety factor. It is no longer
14 acceptable to build new power lines and electrical
15 facilities that place people in ELF environments
16 that have been determined to be risky at levels
17 generally at two milliGauss and above. While new
18 ELF limits are being developed and implemented, a
19 reasonable approach would be a one milliGauss limit
20 for habitable space adjacent to all new or upgraded
21 power lines and a two milliGauss limit for all new
22 construction.

23 It's also recommended that a one
24 milliGauss limit be established for existing
25 habitable space for children and/or women who are

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1 pregnant. This recommendation is based on the
2 assumption that a higher burden of protection is
3 required for children who cannot protect themselves
4 and who are at risk for childhood leukemia at rates
5 that are traditionally high enough to trigger
6 regulatory action.

7 While it's not realistic to reconstruct
8 all existing electrical distribution systems in the
9 short term, steps to reduce exposure from these
10 existing systems need to be initiated, especially in
11 places where children spend time and should be
12 encouraged. That's the end of my excerpts.

13 Clearly a few hours of peak demand at
14 current usage rates and growth projections which may
15 or may not come to pass are not more important than
16 our health and especially that of our children. We
17 are smarter than that. We are more compassionate
18 than that. Conservation and innovation can be used
19 to take care of the peaks while we conduct an
20 independent study of the true needs and review the
21 recommendations by this group of professionals with
22 an eye towards finding the solution that also
23 protects the public health.

24 Although the alternate location at
25 Fitchburg Technology Campus sounds like the best

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1 solution at this point, I believe we need to stop
2 and evaluate the consequences of that option as well
3 before we expose our children to even more danger
4 than they already face. Thank you very much.

5 EXAMINER MARION: Thank you,
6 Ms. Carpenter.

7 (Witness excused at this time.)

8 EXAMINER MARION: Dawn Ramin, please.
9 This bio initiative report, Ms. Carpenter, did you
10 get this off the internet?

11 MS. CARPENTER: Yes. I have the URL in
12 there too.

13 EXAMINER MARION: Okay. I'm going to mark
14 Ms. Carpenter's handout as Exhibit H. If counsel
15 wants to look at it.

16 (Exhibit H was marked.)

17 DAWN RAMIN, PUBLIC WITNESS, DULY SWORN

18 DIRECT TESTIMONIAL STATEMENT

19 BY MS. RAMIN: My name is Dawn Ramin and I
20 live in the Town of Oregon. And I think my
21 perspective tonight is from the bigger picture. A
22 citizenry of sleepwalkers and special interest money
23 underlining our state government is what has brought
24 us to the hearings tonight. If people were paying
25 attention to the ATC issue, they would be outraged.

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1 They would be outraged about the conflict of
2 interest that ATC represents in the determination of
3 transmission line needs, and the questionable
4 politics that established ATC as a for-profit
5 entity.

6 I can illustrate the absurdity of the
7 conflict of interest issue with a simple analogy.
8 If I were to ask my son, my seven-year-old son to
9 take inventory of his current stash of toys and tell
10 me if he can project how many he's going to need
11 into the future, that would be absurd, and I think I
12 can have a pretty good idea of what kind of answer
13 I'd get. It's absurd at that level and it's more so
14 at the level involving the sums of money and health
15 issues that we're talking about tonight.

16 Those citizens that are paying attention
17 are outraged that their votes on the referendum for
18 an independent study determining the necessity of
19 new transmission lines were ignored. Why are we
20 here discussing routes instead of necessity for
21 those routes? This is a good example of why
22 citizens are apathetic about getting involved in
23 local political issues.

24 If people were paying attention, they
25 would be outraged that Wisconsin used to have the

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1 lowest electrical rates in the midwest and now we
2 have the highest. Why is that? Could it be that
3 the group who's supposed to watch out for the
4 ratepayers, that is the Public Service Commission,
5 is understaffed and also finds itself under the
6 shadow of conflict of interest as well.

7 Citizens would again be outraged to learn
8 that there is a lack of required collaboration in
9 planning to meet the state's future energy needs.
10 ATC has failed to consider options involving
11 combustion turbines and new technology to boost the
12 capacity of existing transmission lines to meet the
13 energy demands that they say require additional
14 lines.

15 Asking citizens to conserve energy has not
16 been pursued either. It's wrong to allow ATC to
17 proceed with new transmission lines when they are
18 driven by their company's bottom line instead of an
19 objective independent analysis. The best interests
20 of Wisconsin's ratepayers will not be served by
21 proceeding with these projects. Thank you.

22 EXAMINER MARION: Thank you.

23 (Witness excused at this time.)

24 EXAMINER MARION: Has Mr. Mills decided
25 whether he wishes to testify or not? How about

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1 Supervisor Richmond?

2 MR. RICHMOND: Yes, sir.

3 KYLE RICHMOND, PUBLIC WITNESS, DULY SWORN

4 DIRECT TESTIMONIAL STATEMENT

5 BY MR. RICHMOND: My name is Kyle
6 Richmond. I'm a Dane County supervisor and I
7 represent south central Madison and north central
8 Fitchburg. I was going to say a lot more, but I
9 think Ms. Ramin's comments just cut short some of
10 the things I needed to say. I think she got right
11 to the point.

12 We've seen each other before. I spoke in
13 Waunakee. And I'm sure we'll see each other again
14 as this process goes on. The majority of Dane
15 County board supervisors have real concerns about
16 the process being carried out in Dane County right
17 now to site new high voltage power lines. We
18 believe that there are estimates that are being used
19 that are in error and are out of date. We believe
20 that there is a process that pretends to listen to
21 the public but does not. We believe that there is a
22 process that's being presented in pieces so that no
23 one can see the whole and that does not include
24 alternatives being used right now in other places in
25 the United States.

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1 We believe that there is a process that's
2 being skewed toward the applicant, ATC, or the
3 experts as ATC presents itself over the public which
4 cannot hope to be heard clearly, even in a process
5 like this tonight, without hiring its own experts
6 and lawyers to boot.

7 We ask that the Public Service Commission
8 consider all the points made by the various
9 intervenors, municipal officials and concerned
10 citizens as evidenced by people here tonight and
11 truly represent the public interest. That's all I
12 have to say. Thank you.

13 EXAMINER MARION: Thank you very much,
14 sir.

15 (Witness excused at this time.)

16 EXAMINER MARION: Mark Roeder.

17 MARK ROEDER, PUBLIC WITNESS, DULY SWORN

18 DIRECT TESTIMONIAL STATEMENT

19 BY MR. ROEDER: My name is Mark Roeder. I
20 live at 5564 County Circle in Fitchburg, Wisconsin.
21 My wife is Mosa Roeder. Our children are Eva and
22 Abigail Roeder, they are three years old and 14
23 months.

24 This issue is so close to us that if the
25 proposed 138 kilovolt power line went down the east

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1 side of Fish Hatchery Road, our house would have to
2 be condemned and torn down. I am firmly against all
3 three proposed ATC sites, namely the Irish Lane or
4 North Parish Gardens site, the city site and the
5 Mandt site, all of which are right across the street
6 from my house and neighborhood.

7 I believe the MG&E project should be
8 separate from the ATC project. The MG&E substation
9 should be located in the Fitchburg Technology Campus
10 or FTC with the lines buried underground to the
11 existing 138 kilovolt line. The ATC transmission
12 line should run from the existing Fitchburg
13 substation down County PD and U.S. Highway 18/151 or
14 Verona Road to the Verona substation with the lines
15 buried along Highway PD. This plan has been
16 proposed by City of Fitchburg councilman Jay Allen,
17 and I will subsequently refer to this as the
18 FTC/Verona Road plan.

19 I believe this entire application by ATC
20 should be rejected. And the process should be
21 restarted in order to consider alternative
22 locations. The entire application is based on an
23 incorrect premise. MG&E stated back on May 2nd,
24 2007, that the area of Irish Lane and Fish Hatchery
25 Road was being considered because it was, quote, in

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1 the center of where the long term growth in the
2 center was expected. ATC has perpetuated this
3 thinking.

4 This is incorrect since according to the
5 Fitchburg land use plan of '95 there is no future
6 growth planned for this area at all. The growth is
7 projected now to be in the northeast part of the
8 city, and the FTC is a perfect location to site the
9 substation. I will put in parentheses if the
10 substation is needed at all according to, you know,
11 per other people's quotes who have already spoken.
12 The FTC is actually closer to the area of projected
13 growth in Fitchburg.

14 It should also be noted the FTC is an
15 industrial park that is more suited for a substation
16 than the proposed rural and residential sites that
17 are right across the street from my house and my
18 neighborhood of Hillside Heights.

19 ATC says that it is already compromised --
20 has already compromised by taking the recommendation
21 of the Fitchburg ad hoc committee and making the
22 city site the preferred site in their application.
23 This is just more political jockeying. The ad hoc
24 committee was only given the three choices of the
25 North Parish Gardens site, the city site and Mandt

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1 site to consider. They weren't allowed to consider
2 other options. This is another example of ATC
3 proposing the worst options at the start of the
4 process so that they can appear like they are
5 compromising when they make the slightest change to
6 their original proposal.

7 ATC has said that the FTC/Verona Road plan
8 is cost prohibitive. I do not accept this since the
9 City of Fitchburg has offered to contribute
10 \$6 million to the burying of the power lines. This
11 amount was offered before Fitchburg even knew what
12 the additional costs would be. I'm sure, I can't
13 speak for them, but I'm sure they would contribute
14 more if the FTC/Verona Road plan were chosen.
15 However, ATC should pay some of the additional cost.
16 Why shouldn't a company be socially responsible and
17 work to keep our neighborhood safe and free of
18 hazards like a substation and overhead lines,
19 especially when a city favors this type of situation
20 and has actually offered up money to offset some of
21 the additional costs.

22 If the current application is accepted,
23 which doesn't include any undergrounding of lines,
24 Fitchburg is going to want to put these lines
25 underground at some point. And it is only going to

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1 cost more later on down the road. It certainly
2 seems rational to me to have ATC and Fitchburg share
3 the burden of undergrounding these lines. And if
4 that is the case, then running the line down PD and
5 Verona Road are what is best for Fitchburg, and the
6 option that is best for the community should be
7 seriously considered.

8 The FTC/Verona Road plan has a very large
9 amount of support from many people and groups. It's
10 supported by the Fitchburg city council, which has
11 stated they support the FTC/Verona Road plan and
12 they have officially offered funds to help offset
13 the cost of undergrounding lines, supported by the
14 Fitchburg zoning administrator and city planner Tom
15 Hovel, both city elders in District 4, I apologize,
16 the district number could be incorrect, supported by
17 the Byrnewood neighborhood, the Hillside Heights
18 neighborhood, and the current property owner of the
19 FTC site.

20 With all this public support, why is the
21 FTC/Verona plan largely being written off and
22 ignored by ATC. ATC claims it's too late in the
23 process to start the application process over and
24 satisfy the power load requirements of the near
25 future. I do not believe this is true. There are

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1 temporary options that could be put in place until
2 new applications were approved. MG&E has stated
3 that they could run a temporary circuit from the new
4 Syene substation to meet the distribution need until
5 a new application could be approved which I have
6 read would only take a few months.

7 ATC has stated that they could temporarily
8 run diesel generators at the Verona substation until
9 the new transmission line is built. ATC has
10 actually done something of this nature before.

11 I think that these are good temporary
12 options so that the best plan for Fitchburg can be
13 identified. One that is also safe for the residents
14 of Fitchburg. I think ATC should be forced to do
15 meaningful outreach to the community that is
16 actually used in their planning process instead of
17 pushing their own agenda with endless media
18 advertising. It's hard to feel like my voice is
19 being listened to when I hear ATC ads pushing their
20 own agenda over and over again on the radio.

21 In summary, I believe this ATC application
22 has many serious flaws, all of which I couldn't even
23 hope to highlight in this short period of time. And
24 I believe there are many much better options out
25 there that should be seriously considered. I

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1 believe this application should be rejected and
2 strong consideration should be given to the
3 FTC/Verona plan among other plans that could
4 potentially be identified. Thank you.

5 EXAMINER MARION: Thank, Mr. Roder.

6 (Witness excused at this time.)

7 EXAMINER MARION: Marilyn Wilson.

8 MARILYN WILSON, PUBLIC WITNESS, DULY SWORN

9 DIRECT TESTIMONIAL STATEMENT

10 BY MS. WILSON: I'm Marilyn Wilson. I'm
11 here as a citizen. I did not bother bringing my
12 1,600 peer reviewed studies because it seemed to
13 cause a lot of paper wars up in Waunakee at 20 below
14 windchills, so I thought I'd save you the problems
15 of all of that.

16 I'm here because I've been reading and
17 studying and speaking with numerous experts about
18 the human health issues, about transmission lines.
19 And I spent time in the summer in Sweden meeting
20 with people from the Cara Lenska Institute and I
21 didn't know I was calling upon a really important
22 researcher, I just thought it was a guy from Sweden,
23 but it turns out it's where the Nobel Peace Prize
24 comes from, so these people seem to know a lot about
25 what they're doing. And he said he'd give me five

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1 minutes, and when I told him what was going on here
2 he gave me an hour and a half. And we've been
3 E-mailing each other. And there are people who have
4 done major research on lining up transmission lines
5 and childhood leukemia, and it matches like a glove.
6 And these kinds of pieces of information just are
7 not getting shared. And it's because people don't
8 have the money to hire people to stand here before
9 you and tell you this.

10 And I don't know what to do as a citizen
11 except just keep showing up and reminding people
12 that this is a human health issue and that we are in
13 Dane County, we are in one of the best places in the
14 world, we have some of the smartest people in this
15 whole world living right here among us. I will not
16 mention names. But they actually live here, honest.
17 I'm trying to help a ninth grader do math this
18 afternoon, and I'm not one of them. Okay.

19 So there are people here at University of
20 Wisconsin and there are people here at the Public
21 Service Commission and there are very, very
22 intelligent dairy farmers who know more than some
23 Ph.D. electrical engineers about the wiring issues
24 and about electromagnetic fields and what radiation
25 can do to biological tissue.

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1 And this kind of issue absolutely has to
2 be before us. And other countries are taking the
3 time to develop much more smaller cogeneration
4 plants, less transmission. They're taking the time
5 to be smart about developing the technology that is
6 closer to home than these huge archaic, outdated,
7 outmoded, dangerous transmission lines. And I
8 really appreciate you holding this hearing and
9 hearing some of our words tonight. So aren't you
10 proud of me that I didn't bring 500 copies of
11 something?

12 EXAMINER MARION: Thank you for your
13 testimony.

14 (Witness excused at this time.)

15 EXAMINER MARION: Is there anyone else
16 present who wishes to testify? Okay. I don't have
17 any other requests from anyone -- Ms. Michetti.

18 MS. MICHETTI: Yes, can I add something?

19 EXAMINER MARION: Yes, you may.

20 FURTHER DIRECT TESTIMONIAL STATEMENT

21 BY MS. MICHETTI: In the testimony I gave
22 earlier, I talked about a scientist who was unable
23 to do research that -- when he applied. I believe
24 the details of that entire situation including all
25 the ways he applied, the applications to the NIH and

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1 to other institutions after his research had been
2 successful and after it had been published which is
3 the criteria that science uses, publication, his
4 name is Robert O. Becker and he's an M.D. who
5 happens to also be a physicist. And he wrote a book
6 called Cross Currents, the Promise of Electro
7 Medicine and the Perils of Electro Pollution. And
8 it was published in 1990. And he also wrote another
9 book, and I'm not sure if it's the same book or if
10 it's a little different, and it was called The Body
11 Electric.

12 I ask that you put those two books into --
13 the total contents of those books into the official
14 testimony. I don't have a copy of them, but I was
15 able to get them through a library loan.

16 And I was -- at the most recent ATC
17 meeting in Fitchburg, I was given a pamphlet and it
18 was authored by the Wisconsin PSC and it was a
19 multi-page on health effects. And when I opened it
20 up, I failed to look at the date of publication, I
21 thought it was after the Waunakee hearing, but I
22 don't know for sure. But I felt suddenly that -- I
23 went hot all over because I didn't see Becker's name
24 in there. But I don't know what the date of that
25 is. And I would consider that he be considered as

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1 well as any of the people that Marilyn Wilson has
2 submitted in the past and that these people be
3 reconsidered for this hearing. Thank you.

4 EXAMINER MARION: Thank you.

5 (Witness excused at this time.)

6 EXAMINER MARION: Ma'am.

7 MS. DAGGETT: I'd like to say something.

8 EXAMINER MARION: Come on up, please. You
9 had a slip earlier, did you not?

10 MS. DAGGETT: Yes, Marianne Daggett.

11 MARIANNE DAGGETT, PUBLIC WITNESS, DULY SWORN

12 EXAMINER MARION: Please proceed.

13 DIRECT TESTIMONIAL STATEMENT

14 BY MS. DAGGETT: When I found out there
15 was another ATC meeting tonight, I didn't want to
16 come. I am not much of a public speaker and I'm
17 very weary of the whole issue. But I know that's
18 just what ATC would love would be to wear us down,
19 so here I am.

20 My neighborhood has been fighting this for
21 over a year now. Public opposition has been strong,
22 clear and persistent. We object to the proposed
23 locations of the substation and the power lines, and
24 many of us question the need for any of it at all.
25 I have grown weary of ATC and all they stand for.

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1 I'm tired of seeing their literature, using the term
2 loosely, in my mailbox. Of hearing them spew their
3 propaganda at their not-so-open open houses. I'm
4 disgusted by their strong arm tactics of
5 intimidation, invasion of privacy toward those who
6 oppose their plans.

7 I am disheartened when I read in the
8 newspapers of things like the 74-plus thousand
9 dollars that ATC has spent on lobbying and of their
10 hefty campaign contributions to our elected
11 officials. It seems as if ATC's plans are not at
12 all about serving the interest of the people, but
13 instead are about big profits for big companies and
14 kickbacks for those who helped railroad their plans
15 through.

16 So I hope the Wisconsin Public Service
17 Commission will take to heart the excellent points
18 made by ATC's opposition tonight and show that you
19 really are dedicated to serving the interests of the
20 people as you claim on your web site. Thank you.

21 EXAMINER MARION: Thank you.

22 (Witness excused at this time.)

23 EXAMINER MARION: Is there anyone else who
24 wishes to testify?

25 MS. DARLING: I didn't fill out a slip

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1 yet.

2 EXAMINER MARION: That's okay. Why don't
3 you testify and you can fill out the slip
4 afterwards.

5 CONNIE DARLING, PUBLIC WITNESS, DULY SWORN

6 EXAMINER MARION: I will ask you since you
7 don't have the slip yet to give us your name and
8 address.

9 DIRECT TESTIMONIAL STATEMENT

10 BY MS. DARLING: Connie Darling, 5481
11 Irish Lane. I have two pages of testimony, but I
12 think being late I won't go into that. There is
13 just something that I haven't heard anyone mention
14 that I think is well worth looking into, and that's
15 in the siting of substations we have two that are
16 near hillsides. One of them at the city site I
17 think has a potential to be buried well and I
18 believe very truly that all consumers should share
19 in the cost, you know, a higher price for their
20 electrical power is the only fair way to make us
21 compensated and have a place that's worth living in.

22 And one of the things I discovered looking
23 on the internet is that the City of Anaheim has
24 buried their substation and they have created an
25 open space park above it. I have a lot of

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1 literature here and some pictures of it. But it
2 ended up being -- well, it actually happens a number
3 of places around the world. Vancouver, Canada,
4 Spain, Germany, Australia, all have similar
5 substations. They're called park substations
6 usually. They end up being a lot more cost
7 effective and people can continue to live around
8 them. I'm not sure how all this technology has been
9 missed by our ATC group, but it looks like it's
10 working well around this country and around the
11 world. And I hope that's something that they will
12 look into as we hopefully get a chance to go at this
13 again another time. Thank you.

14 EXAMINER MARION: Thank you. Okay.
15 Anyone else? Seeing no other hands, I want to thank
16 everyone for your attendance and for your patience
17 and participation. I just want to inform counsel
18 and for the record that I have marked all of the
19 written statements that folks have offered in lieu
20 of testifying as one exhibit and that is Exhibit G,
21 and it is here for counsel's inspection if you so
22 desire.

23 For the benefit of the public, the next
24 step in this process will be another hearing next
25 week. I believe we start at 9 o'clock on Tuesday in

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1 the hearing room at the Public Service Commission at
2 610 North Whitney Way. And there all of the
3 evidence that is on file already and available
4 through the Public Service Commission web site will
5 be offered into evidence and those witnesses will be
6 available for cross examination by other parties,
7 and it will be kind of a continuation of this.

8 So once again, thank you all for your
9 participation. We're adjourned.

10 (The hearing concluded at 8:55 p.m.)
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1 STATE OF WISCONSIN)

2 MILWAUKEE COUNTY)

3

4 I, LYNN M. BAYER, RPR, CM, Certificate of Merit
5 Reporter with the firm of Gramann Reporting Company, 710
6 North Plankinton, Suite 710, Milwaukee, Wisconsin, do
7 hereby certify that I reported the foregoing proceedings,
8 and that the same is true and correct in accordance with
9 my original machine shorthand notes.

10

11

12 _____
Lynn M. Bayer

13 Certificate of Merit Reporter

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